THE
SPORTING MAGAZINE.

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SPANIELS—SPRINGERS.

Engraved by Mr. John Scott, from a Painting by Mr. Marshall.

THESE Springers, or Cockers, are Portraits, and the property of General Leigh, who had them from the late Duke of Bedford, by whom they were bred:— they are remarkable for their beauty, goodness, and extraordinary tractability; likewise for their courage, gentleness, and sagacity; and to this may be added, what is very unusual, they may be employed with pointers, or setters, at all times, in the sports of the field: they will back, or come to heel, as commanded; and for finding winged, wounded, or dead birds, they are matchless.

RACES APPOINTED IN 1810.

LEWES	*Aug.*	2
Derby		7
Huntingdon		7
Newcastle, Staffordshire		7
Barnet		7
Trè-Madock		7
Taunton		7
Bodmin		7
Southampton		13
Nottingham		14
Canterbury		14
Newbury		14
Worcester		14
Blandford		15
York		20
Reading		21
Hereford		22
Exeter	*Aug.*	23
Egham		28
Warwick	*Sept.*	4
Ayr, Scotland		5
Bedford		5
Pontefract		11
Lichfield		11
Abingdon		11
Northampton		12
Kingscote		18
Leicester		19
Lincoln		19
Doncaster		24
Chippenham		25
Walsall		26
Newmarket	*Oct.*	1
Carlisle		2
Monmouth		11
Newmarket Second October Meeting		15
Houghton Meeting		29

COCKINGS, 1810.

Newton.

IN the race-week, a main of cocks was fought between the Earl of Derby, (Potter, feeder) and R. Legh, Esq. (Gilliver, feeder) for 10gs. a battle, and 200gs. the main, of which the following is a statement:—

	Potter. M.	B.	Gilliver. M.	B.
Tuesday	0	2	2	1
Wednesday	1	1	2	2
Thursday	1	1	2	1
Friday	4	2	1	2
	6	6	7	6

Newcastle.

In the race-week, a long main of cocks was fought between Sir H. V T. Vane,

T. Vane, Bart. (Thompson, feeder) and C. J. Brandling, Esq. (Varley, feeder) of which the following is a statement:—

Thompson.	M.	B.	Varley.	M.	B.
Monday	4	1		2	2
Tuesday	4	2		2	1
Wednesday	2	2		4	1
Thursday	3	3		3	0
Friday	2	1		5	3
Saturday	5	3		2	1
	20	12		18	8

A great betting main.

Stamford.

In the race-week, a main of cocks was fought between the gentlemen of Middlesex, (Flemming, feeder) and the gentlemen of Lincolnshire and Leicestershire, (Faulkner, feeder) for 10gs. a battle, and 100gs. the main, of which the following is a statement:—

Flemming.	M.	B.	Faulkner.	M.	B.
Tuesday	6	6		3	0
Wednesday	6	5		3	1
Thursday	7	3		3	2
	19	14		9	3

*** There were two in-goes each day.

Oxford.

The main of cocks fought during the races, between Oxfordshire and Berkshire, was won by the latter, two battles a-head.

THE ARTIST'S FUND.

WE have received the following, and feel gratified in having an opportunity of giving place to the outline of a design so laudable and praiseworthy, and particularly on noticing the names of the several artists as governors and subscribers.

THE ARTIST'S FUND.

The intention of this fund is to alleviate the pains of sickness, and to soothe the declining years of the superannuated artist; the necessity of which has long been felt and acknowledged, but which was never yet carried into execution, although a late melancholy* instance has shewn the expediency of such a measure. To prevent the recurrence of a similar event, it was resolved, at a meeting of a few artists, friends to the deceased, to appoint a committee to draw up resolutions for the formation of the above fund. After several meetings of the committee, a general one was held on the 22d of March last, at the Freemasons' Tavern, where several resolutions were agreed to, and where a joint-stock fund was then established, as well as a benevolent or charitable fund; the latter of which is intended solely for the relief of the widows and orphans of the artists who are members. At present, there is no general established provision for them, though almost every other profession affords some asylum, or prospect of relief, either by national institutions, by private benevolence, or by subscription amongst the members. It may, indeed, be urged, that the Royal Academy has a fund appropriated for this purpose; but it appears that, after a provision for its members, and for their widows and orphans, is made, the remaining sum is too trifling to be considered adequate to the purpose of general benefit.—The medical profession, for in-

* The death of the late ingenious Mr. Tagg.

stance,

stance, has a fund; and that excellent institution, the "Society of Schoolmasters," and, lastly, the Musical Fund, present laudable examples for imitation.—We, the undersigned, therefore, trust to the known liberality of the British nation, that it will not let the helpless children and widows of meritorious artists, whose works have been admired whilst living, sink into obscurity, oppressed by sickness, poverty, and want. Here is no attempt to draw an imaginary picture, to excite the feelings of a generous public: our appeal has arisen from our personal evidence of scenes of the most poignant distress, and that, too, in the families of artists, whose talents have done honour to their country. We confidently trust, that the day is approaching, when, through the bounty of a liberal and wealthy people, the last moments of the dying artist will not be embittered by the reflection, that he is leaving behind him a wife and children, without any provision whatever.

GOVERNORS:

A. Devis,	J. Scott,
G. Hawkins,	P. Turnerelli,
B. Marshall,	W. Tallemach,
W. Mulready,	C. Warren.
J. Randall,	

J. Wilkinson, Secretary.

Donations will be received by the following bankers; viz. Alexander Davison, Esq. treasurer, &c. to the society, Pall-Mall; Messrs. Hammersley and Co. Pall-Mall; Messrs. Kensington, Lombard-street; Mess. Barclays, Tritton, and Co. Lombard-street; and by the governors for the time being.

Donations and Subscriptions.

DONATIONS.

A. Davison, Esq. 1st don.	21	0	0
Capt. P. Davison, 18th Hussars	5	5	0
Capt. W. Davison	5	5	0
William Gilpin, Esq.	5	5	0
Abraham Goldsmid, Esq.	10	10	0
S. Joseph, Jones, and Co.	10	10	0
G. N. Noel, Esq. M. P.	5	5	0
Thomas Moxon, Esq.	5	0	0
The Earl of Bredalbane	10	10	0
John Soane, Esq. R. A.	52	10	0
B. Gouldsmith, Esq.	5	5	0
Richard Corbould, Esq.	5	0	0
Thomas Wilson, Esq.	5	5	0
Messrs. W. S. & A. Woodbourn	5	5	0
William Moir, Esq.	5	0	0
——— Christie, Esq.	5	5	0
The Bishop of Winchester	2	2	0
Rev. Francis North	1	1	0
Rev. William Garnier	1	1	0
Dowager Lady Templeton	1	1	0
B. North, Esq.	1	1	0
Miss L. North	1	1	0
J. Christie, Esq. Pall-Mall	10	0	0

ANNUAL SUBSCRIPTIONS.

Mr. Suttaby	1	1	0
Mr. John Palmer	1	1	0
Mr. Asperne	1	1	0
Martin Tupper, Esq.	1	1	0
Mrs. Devis	1	1	0
Mrs. A. W. Devis	1	1	0
Sir Nathaniel Dance	1	1	0
The Earl of Mount Edgcumbe	1	1	0
J. Wedderburn, Esq.	2	2	0
Mrs. Wedderburn	1	1	0
Miss Wedderburn	1	1	0
Mrs. Smith	1	1	0
—— Pitt, Esq.	1	1	0
Miss Pitt	1	1	0
Miss Turner	1	1	0
——— Begbie, Esq.	1	1	0
Mrs. Stirling	1	1	0
——— Blore, Esq.	2	2	0
——— Berrington, Esq.	1	1	0
Mr. Spilsbury	1	1	0
Otto Bichner, Esq.	1	1	0
Richard Corbould, Esq.	1	0	0
Mrs. Stratford	1	1	0

—— Emery, Esq. of the Theatre Royal, Covent Garden	1	1	0
George Cook, Esq.	1	1	0
Mr. Miller	1	1	0
Mr. Cutter	1	1	0
Miss North	2	2	0
Nath. Ponder, Esq.	1	1	0
Mr. Merrigotte	2	2	0
——— Tomlinson, Esq.	1	1	0

N. B. Any further information may be obtained on application to the chairman, A. W. Devis, Esq. 16, Berners-street.

DISPUTES
BETWEEN GENTLEMEN,
On Points of Honour, &c. &c.

IT will be perceived by a reference to page 175 of our Magazine for this month, that Sir William Smith, a most respectable judge on the Irish establishment, hath written a species of justificatory letter to Sir Samuel Romilly, in order to do away an impression which had been stamped and erected, by the reported parts of a speech, which this legal luminary had been said to have repeated in a speech that he made in the House of Commons, on the criminal law of the land.

This letter must prove very interesting to every thoughtful reader, inasmuch as it is the result of a delicate sentiment of official duty, expressed by so elevated a personage as a judge of the realm, as well as an instance of exemplary modesty, and both arising out of a subject, which it is our professed object to illustrate, whenever a fit occasion presents itself to our embrace.

Sir Samuel Romilly, in his wise and humane endeavours to soften down the severity of our criminal laws, adverted to the indefinite state in which some of our statutes were permitted to remain, but more especially those which related to the interpretation of the guilt of duelling.—By way of substantiating this idea, he referred to two cases, that had occurred recently in Ireland, in which a principal in one of the parties was pardoned, and a principal in the other was executed!

As both these cases had taken place under the direction of the same magistrate, it was natural that he should feel most exquisitely alive, upon a subject in which his official dignity and his moral honour were so much involved: and to draw a decided line of demarcation, to prove that his directions to the jury were uniformly in consonance with the required discretion of a judge, and that when he agreed *in favorem vitæ* of the prisoner, he was making no trespass upon the law, but merely exercising his right, which should always impel a judge to assume as much leniency towards the prisoner as might be compatible with the nature and bearing of the transaction.

From the whole of this statement it seems, that a homicide committed in a deliberate duel is denominated murder by law, and that the consequent punishment of the offender is, in a degree, dependant upon the aggravation that might be given previous to the fatal conflict, yet that no kind of aggravation can justify a duel.

It appeareth that this appeal to Sir Samuel Romilly had the desired effect, of inducing him to expunge this incorrect statement from his future remarks on the Criminal Law: yet though we deem this measure as just towards Sir William Smith, we are not thoroughly

ly convinced that the bearing of the statute in question should not be more accurately defined: for even as the point rests at present, with the advantage of Sir William Smith's explanation, there is a kind of mist or dubiosity playing about it, which is not, in our idea of legal right, strictly in unison with the security of the subject; and it is a lamentable fact to know, that a duellist should be arraigned as a murderer, and perhaps executed as such, for having acted in obedience to the impulse of a principle of military honour, which he is bound to keep inviolate from stain, and that ignominy should eventually attach to him, for having rigorously defended that character from being sullied, without which life itself would cease to be desirable!

W.

CHELMSFORD RACES.

(To be given more at full in our next month's Racing Calendar.)

TUESDAY, July 24.—Her Majesty's Plate of One Hundred Guineas, was won by Lord Grosvenor's b. f. Donna Clara, beating Mr. Golding's br. f. Brown Bess; Mr. Watson's b. filly Dimity, by Trumpator; Mr. Pearce's ch. f. by Sorcerer; and Lord Waldegrave's b. f. Jocasta.

The County Cup, value Fifty Guineas, gentlemen riders, was won by Mr. Gooch's br. m. Windsor Lass, beating Mr. St. Aubyn's ch. m. Columbine; Mr A Wright's b. g. Spear, by Javelin; and Hon. Maj.-Gen. Lumley's br. g. Experiment.

On Wednesday, the Town Plate of Fifty Pounds was won by Mr. Watson's b. f. Dimity, beating Mr. Prince's ch. c. by Don Quixote; Mr. Pearce's ch. f. by Sorcerer; and Mr. Golding's b. h. Little Jack.

A Sweepstakes of Five Guineas each, for horses of all descriptions, gentlemen riders, was won by Mr. Newman, who named Mr. Addy's St. George, beating Mr. J. Wright's Windsor Lass; Mr. St. Aubyn's ch. g. Master Betty; Mr. A. Wright's b. g. Spear, by Javelin; and Mr. Webster's br. g. Aid-de-Camp.

On Thursday, the Stewards' Plate of Fifty Pounds, was won by Mr. Prince's ch. c. by Don Quixote, beating Lord Jersey's b. f. Lauretta; Mr. Golding's br. f. Brown Bess; Mr. Addy's ch. g. St. George; and Lord Waldegrave's b. f. Jocasta.

Same day, Mr. St. Aubyn's ch. m. Columbine, 10st. 7lb. beat Mr. A. Wright's Spear, by Javelin, 11st. 50gs. p. p.

MR. DANIEL LAMBERT.

THE late Mr. Daniel Lambert was certainly a most pleasant companion and an excellent sportsman. A proposition has appeared in a late *Leicester Journal*, recommending a token of respect for his memory to be placed over his remains, in Stamford church-yard: it is as follows:

"DANIEL LAMBERT.—A correspondent expresses his regret, that the remains of this once celebrated character are permitted to remain without any monumentary token of respect: the place of his interment, the new church-yard, Stamford Baron, evinces at this moment the most ruthless appearance, his grave being covered with a heap of stones and rubbish! surely something is due to his memory from his fellow townsmen, particularly

larly those who were in the habits of his society. He has fallen amongst strangers, who have afforded his remains an asylum, but it will be base ingratitude in his friends if they do not, by a monumentary table, rescue from oblivion a character, who in *personal* greatness had no contemporary, and was by all looked upon as the prodigy of the age: a small subscription has, we understand, been entered into by some persons at the George Inn, in this town, (Leicester) but, if it will at all expedite the wishes of those who respected him, names and subscriptions will be received at the Leicester Journal Office, and a meeting of the subscribers convened as soon as a sufficient sum for a decent memorial is effected."

GRIFFITH VERSUS EAMES.

A TRIAL IN THE COURT OF COMMON PLEAS, JULY 22.

MR. Serjeant Shepherd stated, that this action was brought by Captain Griffith, of the navy, against the defendant, a horse dealer, to recover ninety guineas given for a horse, which had not answered the terms of contract. Captain Griffith (said the learned serjeant) is an officer of the navy, and as far as professional knowledge and duty can go, he is as gallant an Officer as any in the country, but he knows no more of a horse than Commodore Trunnion in the novel, or sailors in general know. He only knew how to ride. Wanting a horse, he applied to the defendant for one to answer his purpose.—He gave one hundred guineas for it. The money was received by the defendant, and the horse was warranted sound, free from vice, and not more than three years old. The defendant agreed to take it back if it was returned before the 24th of June following, and to return ninety guineas. This horse appeared to be just such a horse as a dealer would think fit for a sailor's hunter. It had a thrush, spavins, and contracted knees. After Captain Griffith had bought him, he rode him down to his house, at Bishop's Waltham. If I give one hundred guineas for a horse, I should expect he will travel sixty miles. When Captain Griffith got there, he found the horse had a cough, and when he came to be examined, he was found to have the thrush, and though the witnesses should differ about the thrush, the horse will be proved unsound without doubt. The plaintiff some time after sent the horse back, but Mr. Eames refused to take him. Oh, said he, this horse is not in such a condition as when he was taken away. When he had got the better of the cough by the care taken of him, he was returned again, and refused. The defendant afterwards wanted to take the horse away to shew him to a Mr. Coleman, but this was not allowed, for Captain Griffith said, "Bring Mr. Coleman here to look at the horse, but if you take him away, you make him your own, you take it for good." After this, Mr. Eames takes away the horse, and keeps him; he also keeps the 100l. He may suppose the sailor is not intitled to either horse or money; but your verdict will convince him to the contrary.

The witnesses then proved the plaintiff's case, and the defendant's receipt was read, which stated the contract to take the horse back, and return ninety guineas.

Chief Justice Mansfield.—"What can

can you do in this case? You agree to take the the horse back, and he is sent back."

Serjeant Best.—" We have not taken this horse back: a letter has been sent, which will prove the horse was sound."

Chief Justice Mansfield.—" Yes; but you are told you shall not have him without you keep it.—You do take him, and you are bound to take back the horse and return the money."

Serjeant Best.—" This horse is perfectly sound, my Lord."

The learned Judge continued of an opinion, that the defendant had no defence; and he told the Jury, that the plaintiff was entitled to a verdict for 94l.—The Jury found for the plaintiff—Damages, 94l.

PEDESTRIANISM.

MR. Sanderson, of Whitecross, Hunts, started on the 2d instant, from his own house, for a wager of 500gs. to go seventy-two miles a day for seven days, which is three miles an hour for the whole time, without stopping. The pedestrian, who is an athletic man, had finished his third day's task on Wednesday, but betting was two to one on time.

On the 17th inst. in the morning, for a wager of five guineas, a man of the name of Daniel Grant, fifty years of age, undertook to walk from Shoreditch to Ware, in Hertfordshire, in four hours, and after resting two hours, to walk back again in the same space of time. He started at three o'clock, stopped twice on the road, and arrived at Ware ten minutes before seven; after resting the time allowed, he started afresh, and completed the whole by half past twelve o'clock, winning his wager by half an hour: several bets were depending upon the issue. The whole distance is forty-two miles.

Mr. Yarvill, who went to Windsor in three hours, twelve months ago, from Hyde-park corner, undertook, on Tuesday, the 10th inst. to go a quarter of a mile in a minute and four seconds, for a bet of fifty guineas, on a piece of ground leading off Sunbury Common, towards Hounslow. He started at four o'clock in the morning, and he was backed to win, but he had trained for the match only three days. The time of the pedestrian expired when within fifty yards of his distance.

A poor blind man, conducted by his faithful dog, for a wager of seven shillings, undertook to walk six miles in an hour and a half on the Fulham road, lately. He won his wager, and had a quarter of an hour to spare.

A gentleman of the name of Grove, a captain, started at four o'clock, on Monday, the 23d inst. at Hounslow, to go forty miles in eight hours, for 100 guineas. The pedestrian took his route over Sunbury Common through Staines, Windsor, Maidenhead, and back to the nine-mile stone: he did six miles the first hour, but he was seven hours and five minutes doing thirty-five miles, and then resigned.

AQUATIC SPORTS.

THE twenty-second Annual Prize Wherry, given by Mr. Astley, in honour of his Majesty's Birthday, was rowed for, on the 5th inst. by the following watermen, neither of whom had previously won any of the prizes, viz.:—

John

John Hunt, Pepper-Alley ......Blue.
James Thomas, Vauxhall ......Scarlet.
James Arthur, Lambeth........Yellow.
Edwd. Hamilton, Summers' Key. Purple.
James Palmer, Horsleydown....Green.
James Westbrook, Irongate .....Pink.

The contest was to be decided by two heats. The boats were to start from Westminster-bridge, row round a boat moored off Cumberland-gardens, return, and go round a beacon facing Hungerford-stairs, and the first that passed through the centre arch of Westminster-bridge was to determine the prize.

At a quarter past four the six boats set off. Neither had the advantage until they got opposite Cumberland-gardens, when the *Pink* took the lead; *Green* followed, on the larboard side, and *Blue* was close upon the stern of the latter. In this order they came in for the first heat. By the usual regulations, the other three boats were not allowed to start for the second heat. Soon after six o'clock the contest was renewed and decided, after a display of athletic skill seldom witnessed, in favour of the *Blue*; leaving his antagonists at some distance in the rear, to the infinite mortification of the below-bridge men. The day was fine, and the water was covered with elegantly fitted-up pleasure boats and wherries. The banks of the river were lined with well-dressed spectators.

On Monday, the 9th inst. Blackfriars Bridge was covered with spectators, in consequence of an extraordinary exhibition on the river. Two watermen swam against each other for a considerable wager, towing their wherries by ropes, which they held in their mouths. The contest was against tide, and in their passage through the arch of Blackfriars Bridge, the competitors displayed wonderful strength and perfection in the art of swimming.

On Monday the 9th instant, the celebration of the annual water frolic took place upon Yarmouth river. The morning being fine, by eleven o'clock nearly one hundred boats presented a lively and interesting scene to a numerous assemblage of spectators, who lined the banks. A sailing match for a silver cup was contested by the Thetis, N. Bacon, Esq. and the Leviathan, J. J. Berney, Esq. which was won by the former. In the evening a rowing match took place for a silver cup, between a Lowestoft and a Gorleston boat, which was won by the Lowestoft, gaining two rounds out of three.—Conviviality was kept up until a late hour, and no accident occurred during the day.

On the same morning, a grand rowing match took place for twenty guineas aside. The match had been previously agreed upon between the Fox and Westmorland boat societies; and at half past eight o'clock, two wherries, with four men each and coxswain, started from Westminster bridge to row against tide to Putney bridge. Great skill and dexterity were displayed by both parties, but the Fox wherry got a-head at starting, and kept the lead the whole of the way. A great deal of money was pending on the above match; three of the men were so exhausted that they fell in the boats; and on their arrival at Kew it was found necessary to have medical assistance to them. Notwithstanding the early hour at which they started, hundreds of spectators, assembled along Millbank; and the river between the bridges of Westminster and Battersea was almost covered with boats.

MR. STAPLETON'S STUD.

THE following is a list of the stud of Thomas Stapleton, Esq. of Carlton, near Snaith, Yorkshire, who was for several years joint-confederate with the late Sir Thomas Gascoigne, Bart. whose stud was given in our Magazine for April last, page 17.—Mr. Stapleton, who is now living at his seat at Carlton, first appeared upon the turf in 1760, and had during his continuance thereon, 1788, a well-chosen, though not a numerous stud of horses, &c. of several of which he had portraits taken by the celebrated Stubbs, and whose performances still afford some gratification to their worthy and much-respected owner.

Horses', &c. Names.	Got by.	Dams, &c.	When foaled.
Lancashire Maid	Get unknown	Unknown	1755
*Lottery	Cade	Out of Lord Downe's Honest Billy's dam	1754
Stella	Regulus		1757
†Beaufremont	Tartar	Brother to the Bolton Fearnought	1758
‡Miss Carlton	Regulus	Grey Starling, (Tuberose's dam) by Starling	1759
Prospect	Tartar		1760
Achilles	Jalap	Sampson, out of Ceres, by Cade	1767
Snorum	Snap	Miss Carlton's dam	1767
Margery Duck	Lightfoot		1768
‖Mopsqueezer	Match'em	Lady, by Sweepstakes	1768
Cousin Bob	Beaufremont	Whitefoot	1770
Fellow Commoner	Marsk		1770
¶Miss Skeggs	Match'em	Regulus, out of King Herod's dam	1770

* *Lottery* was bought of Lord Downe.—In 1758, she won 50l. at Beverley, and 200gs. at York:—In 1759, she won the King's Plate at Hambleton, and was afterwards sold to Mr. Stapleton.

† *Beaufremont* was bred by Mr. Ainsley, of the Mount, near Black Hambleton, who sold him to Mr. Anthony Smith (the owner of Tartar) of Oulston, Yorkshire; and was purchased of him for 220gs. by Mr. Joseph Rose, for Mr. Stapleton.—He was a very capital racer, and Mr. Stapleton has a very fine painting of him, with his rider, (Joseph Rose) by Stubbs.—*Beaufremont* was foaled in the same year as that well-known racer and stallion *King Herod*.

‡ *Miss Carlton* was bred by Mr. Peirse, of Bedale, Yorkshire, and sold when young to Mr. Stapleton.—At Hambleton in 1764, she won the King's plate for mares; she also won several 50l. plates and matches. —She died of her first foal, by Lot, and the foal died also.

‖ *Mopsqueezer* was bred by Mr. Fenwick, and sold to Mr. Stapleton. She won the King's plate for mares at Newmarket, beside several stakes, 50l. plates, &c. and was a valuable brood mare.

¶ *Miss Skeggs* was an uncommon good runner, but broke down at York August Meeting, 1774.—Mr. Stapleton has a portrait of her, with her rider, (George Herring) by Stubbs.

Horses', &c. Names.	Got by.	Dams, &c.	When foaled.
Sacred Sarah	Antinous	Miss Paul, by Sportsman	1771
Seven-and-Eleven	Hazard		1771
Tarare	Match'em	Virago, by Mr. Panton's Arabian	1771
*Tuberose	King Herod	Miss Carlton's dam	1772
Becca	Omnium	Babram, Bolton Starling	1773
†Cannibal	Match'em	Blank, Bajazet	1773
Miss Saltram	Prophet	Blank, out of Lass of the Mill, by Old Traveller	1773
‡Magog	Match'em	Rib, out of Mother Westren	1773
Sifada	Omnium	Babram, Bolton Starling	1773
Israelite	Match'em	Mopsqueezer's dam	1774
Givens	Antinous	Lady Jane, by Snap	1775
‖Hollandoise	Match'em	Virago, by Mr. Panton's Arabian	1775
Young Sir Peter	Doge	Engineer, Cade	1775
Granadilla	King Herod	Mopsqueezer, by Match'em	1776
§Tommy	Wildair	Syphon, out of Mr. Quick's Charlotte, by Blank	1776

* *Tuberose* was the best mare in England of her time, and a very valuable brood mare.—(See our Magazine for April, p. 17).—A portrait, with her rider, (George Herring) by Stubbs, was taken for Mr. Stapleton.

† *Cannibal* was bred by Mr. John Hutchinson, and sold, when young, to Mr. Stapleton.—He was an uncommon good runner at three and four years old, when he won several sweepstakes:—He afterwards was a very capital plate horse, and won an 80l. plate, and nine fifties.—A portrait of Cannibal, with his rider, (George Herring) by Stubbs, is amongst Mr. Stapleton's collection.

‡ *Magog* was bred by Sir John Eden, Bart.—He was one of the best racers of his time until he got lame.—He won several matches and stakes, and beat the best horses, &c.—*Magog's* portrait, with his rider, (George Herring) was taken by Stubbs.

‖ *Hollandoise* was allowed to be as good a mare as any that ever ran in England.—She won the St. Leger Stakes in 1778:—In 1779, she did not run.—In 1780, she started only once, when she beat Sting, 8st. each, over the Beacon Course, for 500gs.—In 1781, she won the King's Plate for mares, at Newmarket; and was sold to Lord Clermont, when she won 50gs. and 50l. at Swaffham; also the 140gs. and 70gs. at Newmarket.—In 1782, she won the King's Plate, 50l. and 85gs. at Newmarket.—She died soon after. *Hollandoise* was a very favourite mare of Mr. Stapleton's, and by her sudden death, he was deprived of her portrait to have placed amongst his very valuable collection.

§ *Tommy* was bought of Edward Leedes, Esq. and sold, when young, to Mr. Stapleton.—In 1779, he won a stakes at Beverley, and the St. Leger Stakes at Doncaster.—He was sold to Mr. Clifton, and was the best plate horse in the West of England:—He won seventeen 50l. plates.

*Antagonist

Horses, &c. Names.	Got by.	Dams, &c.	When foaled.
*Antagonist	King Herod	Mopsqueezer, by Match'em	1777
Savannah	Match'em	Lady, by Sweepstakes	1777
John of Austria	Wildair	Chub, Second	1778
†Petrarch	Match'em	Gower Stallion, Regulus	1778
Haphazard	Marsk	Pot8o's dam, by Sportsman	1779
Miss Scrat	King Herod	Mopsqueezer	1780
‡Parlington	Morwick-Ball	Miss Skeggs, by Match'em	1780
Novice	Highflyer	Miss Skeggs	1781
Clintz	Highflyer	Miss Skeggs	1782
Fair Barbara	Eclipse	Mopsqueezer	1783
Carlton	Eclipse	Miss Skeggs	1783
Doctor Nim	Morwick-Ball	Mopsqueezer	1784
‖No-No	Morwick-Ball	Miss Skeggs	1784

* *Antagonist* was bred by Mr. Stapleton.—In 1781, he won a stakes of 1300gs. at Newmarket; 600gs. at York; and 120gs. at Richmond.—He also won two 50l. plates.

† *Petrarch* was bred by the Rev. Mr. Hewgill, of Hornby-Grange, near Northallerton, Yorkshire.—He was own brother to Priestess and Espersykes.—In 1782, *Petrarch* won 200gs. and 90gs. at Newmarket; 120gs. at Richmond; and 200gs. at York.—In 1783, he won 300gs. and 50l. at York; the King's Plates at Newcastle and Lichfield; also 50l. at Doncaster.

‡ *Parlington* was bred by Mr. Stapleton.—In 1783, he won 750gs. at Newmarket, and 100gs. at York.—In 1784, he won 300gs. at Newmarket; twice 50l. at Stamford; 80l. give-and-take, at York; and 100l. at Stockton.—In 1785, he won 50l. at Swaffham.—For the Give-and-Take Plate, at York, he ran *five* four-mile heats, against Mr. Garforth's Pacolet, Mr. Golding's Billy, &c.

‖ *No-No* was the last that Mr. Stapleton raced.

BETTING ON FOOT RACES.

A Cause tried in the Court of King's Bench, July 12, 1810.

MR. Garrow stated this to be a foul conspiracy on the part of six persons of the names of Walker, Nelson, Pollet, Best, Jenkins, and Fennicks, in conjunction with a seventh, named Jones, not comprehended in the indictment, to pick the pocket of a plain simple Welchman, also named Jones, of a considerable sum of money, on the pretence of betting on a foot race. This trade, there was reason to believe, was not new to those parties. The object of their present pillage was one of the simplest men who had ever come from his country. He kept a public house, to which the defendants had come, some of them as if by accident, and pretending to be strangers to each other. Here they began to discourse of fights, of foot races, of betting, &c. and the great sums thereby to be made. They stated Jones, who was one of their party, to be one of the finest racers in the kingdom; that he had been pitted against Pollet, who had not yet

yet made his appearance, to run a foot race at Epsom for 1000 guineas, and proposed to this unhappy Welshman to take a part of the bet, assuring him that he was certain to win. These defendants were handsomely dressed, represented themselves to the simple man as persons of independent fortune, and, like other gentlemen of fashion, did not fail to sport their quizzing glass. Nelson, who they pretended had, till then, been a stranger to them, was to be the stake-holder. They prevailed with this unfortunate publican to become a party with them to the extent of 100l. and having got a deposit of 40l. down, seduced him on the settling day, lest his own money should be forfeited, and also in consequence of the deceptions practised on him, besides his own payment in cash, to give his note for a deficiency of the payments to be made up by the rest of the gang, to the amount of 225l. which he was obliged in two days to raise, by a loan from his brewer, on the security of the lease of his house. When the time for determining the bet arrived, on going down to the Rubbing House at Epsom, where the race was to be run, he found that his namesake, Jones, the racer, so far from being in a course of training, preparatory to the intended trial of skill, was in the habit of lying in bed till mid-day, and was constantly drinking, so much so, that the man at the Rubbing House declared, that he would engage that his sow should perform the race as well. On Jones, the publican, at length seeing that all was not well, and proposing that the race should be postponed, the defendants said, they believed it might be put off for a month, on his consenting to forfeit 100l. To this he would not agree, thinking, whatever should be the event, that it would be better it should be ended. A sham race accordingly took place, in which Jones was said to have been beaten, the poor simple man was pillaged, and the defendants put his money in their pockets.

John Jones, the publican, was then called, from whom, after great trouble on the part of his Counsel, the greater part of the facts stated by Mr. Garrow were drawn out. Walker, Jones, Best, and Fennicks, were the persons who had principally transacted the business with him; 500l. it was latterly settled should be paid down. This was to be divided into five shares of 100l. each. The witness was to be one, and Best, Jenkins the cricket-player, Fennicks, and Jones the runner, were the other four. On the night when the deposit was to be made at Nelson's, the witness stated that he had no money, but the others said they would put it down for him. Next morning Jones and Best called on the witness for the 20l. and also for another sum of 20l. which they told him he had betted with another man, and which they had also paid for him, the witness being then somewhat in liquor. The 40l. was paid to Jones and Best by the witness's wife, they telling the witness to recollect that the whole of the money must be made good that night week. On the night appointed, all the parties met, except Jenkins. Best and Fennicks stated themselves to be very much disappointed, not being able to make up their payments. The witness expressed his readiness to pay his share, and as the hour of ten o'clock advanced, when the others

others told him the deposits must be forfeited if the whole money was not forthcoming, he began to express his uneasiness. Best and Jones then told him, that Nelson would be so kind as to take his (the witness's) note for the deficiency, if he chose to give it, by which the deposits would be saved. The witness at first would not consent, but, on growing a little more mellow, granted his note for 225l. (afterwards paid), besides laying down on the table, in cash, a sum amounting, with his former deposit of 40l. to 120l.

On his cross-examination by Mr. Serjeant Pell, the witness said, that he had, at the desire of the defendants, signed papers in writing, by which it was agreed that Jones should have 100l. for winning, and Pollet 70l. for running. He did not know what the papers contained. He could not read small writing, with or without spectacles. He signed his name at the desire, and after the example of the others, being informed by them that Pollet should be paid for running as well as Jones.

On reading the paper, however, it appeared that 70l. was to be paid to Pollet for losing the race.

Lord Ellenborough——"Why was Jones to have more than Pollet?"—A. He was to win and the other to lose.

Lord Ellenborough.—"Such extreme folly I have seldom witnessed. It seems extraordinary that such a man should have lived, as he says he has done, for twenty-eight years in London, and have a coat on his back. With extreme simplicity, however, there seems here an inclination to something of roguery."

Mr. Garrow.—"It is not quite so bad as that, my Lord. This case is more like that of a ring dropper, whose foolish pigeon pays him 20l. for the ring, with the expectation of some gain to himself."

Lord Ellenborough to the witness.—"Did you know who were the parties against whom you were betting?"—A. No. But I was informed by the whole of the defendants, that Jones, the racer, was sure to win.

Lord Ellenborough.—"And to make assurance doubly sure, you tie up the hands of the other party, supposing that there is one, by corrupting their instrument."——"I wish, however," said his Lordship, "with the extreme folly which is apparent, and even with the improper conduct which may be attributed to the prosecutor in this case, that he should have his money back. To effect this the better plan would be, that all the parties should enter into a rule to let some persons see how matters actually stand, and in whose hands the money has found its way. There was, in the case, as it now stood, a mixture of simplicity and of something like fraud; but his Lordship was of opinion, a reference to some gentleman at the bar would cure all.

The Counsel for the different defendants, for their respective clients, came under a rule to this effect, and the whole matters in dispute were referred to Mr. Selwyn.

ALLIGATORS.

INTERESTING NARRATIVE,

Addressed to Cambaceres, by Dorvo Soulastre, Ex-Commissary of St. Domingo, who, with a few Companions in a small Passage-Boat, had been taken by an English Privateer on the Coast of Cuba.

THE English kept us on board about a fortnight: at the end of

of that term the scarcity of water made them wish to get rid of us. Capt. Wm. Cropp, the commander, intimated this resolution to me in Latin, which he spoke extremely well. As neither myself nor my companions had found any cause not to be thankful for the good treatment we had experienced, I cannot believe that this man was voluntarily the cause of the severe extremities to which we were reduced during the nine days which followed our quitting the ship.

On putting us ashore, the English told us we were not more than six or seven leagues from a Spanish *corps de garde*, at which we might easily arrive before sun-set, by following the sea-shore, and thence we should with facility reach the interior of the country and the royal road which leads to St. Jago, or even to Havanna. Relying on this assurance, we considered that half a dozen thick biscuits and a flaggon of rum, which those who conducted us ashore bestowed on us, were even more than sufficient for our sustenance for the short journey we were to make; and, therefore, although we were half naked, we walked on cheerfully, having no other arms than a dirk, a sort of small sabre or poignard, much used by the English privateers when they board any vessel.

Thus victualled and equipped, we marched on for three hours, sometimes along the coast, sometimes through the neighbouring savannas, in which we found a species of *dog grass* that we chewed now and then, with the expectation of cooling the parching thirst we experienced; but it possessed an acidity which the palate could not bear, occasioned, no doubt, by the waters of the sea, which, during the continuance of the south winds and the winter floods, inundate the lands, which are extremely low, and even on that account produced nothing except reeds, and plants common to swampy grounds; some mango trees and some other trees, mis-shapen and branchless, which were scattered here and there, and seemed to vegetate only to attest the infertility of the soil.

The heat had by this time overpowered us; and though we had not made more than two leagues, on account of the difficulty of the march, we were constrained to sit down under the shadow of a clump of mangoes which rose by the side of a little creek. Here we had scarcely begun to repose ourselves, or to yield to reflections more or less melancholy, the presage of the misfortunes that were preparing to overtake us, when our packet-master Pierre, who had gone a little distance inland, ran towards us as fast as he was able, calling out to us to take care of ourselves. We knew not the occasion of his fears, nor the danger we were in, until he had rejoined us. Thinking he heard a noise on the opposite side of a stagnant pool which was surrounded by mangoes, he had been desirous of seeing from what it had proceeded, and to shorten the way, endeavoured to wade across the pools, assisted by some branches of the mango. Unhappily for him, he disturbed the repose of five or six alligators, who, during the oppressive heat of the day, had chosen this spot to wallow in. This visit had so much displeased two of them, that they pursued him through the mud; and he would probably have become their prey, had he not been well acquainted with the usual method of eluding them,

them. After an excellent retreat, he ran towards us; and at the moment in which he rejoined us, was apparently more dead than alive.

Disagreeable as this adventure seemed to us, still the conviction of not being far from the *corps de garde* mentioned by the English, revived our courage, and we recommenced our journey in good spirits, persuaded that we should arrive there before night. We therefore continued our march for about three hours longer, at the end of which the excessive fatigue and heat, and still more the uncertainty of the route, made us determine to stop and deliberate on what was to be done. After a short consultation, which was held at the foot of a tree that very much resembled a cherry-tree, but was almost entirely without leaves, we determined to pass the night in the place where we were, since being elevated, it offered us more security; and we consoled ourselves with the hope that on the next day we should certainly arrive at our promised *corps de garde*. We therefore had laid ourselves at our length on the earth, at about a musket-shot from the beach, and each of us taking a biscuit, we made our repast, which might have appeared delicious if we had not been in want of fresh water. La Prudence, whom we had dispatched to seek for some, brought us nothing but a kind of wild artichoke, which, having the form of a parasol reversed, easily retained the dews, so abundant under the tropic. The heat of the day had, however, absorbed the water it had received during the night; nevertheless, we cooled our mouths a little, by sucking the leaves. We were still reduced to the necessity of supplying the want of water by our rum, and we drank, in turns, half the contents of our flaggon. The biscuits were all consumed; La Prudence only reserved a couple on account of his excessive thirst, and could eat no more than the half of his share.

Our supper was concluded, and it was still day. We rose to examine the environs, and to contrive how we might most easily escape the sea flies, and other insects, that incommoded us very much during our repast. Each of us went immediately to the right, or left, as fancy directed, agreeing not to lose sight of one another, and not to go out of call. La Prudence and I followed Captain Durand, and directed our steps towards a savanna, which was skirted by the sea, and interspersed with clumps of mangoes. We were close to one of these clumps, when we heard a plaintive cry that proceeded from it; the noise resembled that of a dog endeavouring to disengage himself from a snare. I was advancing to see what occasioned it, when Captain Durand stopped me, telling me not to approach, for the voice was not that of a dog, but of an alligator, and that we were not strong enough to defend ourselves from so ferocious an animal. The pale visage of the Captain, which, from a full red, became at this moment as white as a shirt, terrified me so effectually, that I had hardly any strength to retreat. We returned to our place of rendezvous, whence it was easy for us to perceive that the whole coast was covered with these monsters, by the numerous tracks which they left in the savannas, as they traversed them to betake themselves to the morasses, where they concealed themselves, and avoided the heat of the day.

When

When we were re-assembled, we could not but communicate to each other our dread of the alligators, and to secure ourselves from being attacked by them, we saw no other resource but to climb the tree at the foot of which we then stood, and to pass the night among the branches. At that moment how preferable would a flint and a little tinder have appeared, in our eyes, to all the riches of the universe!—Oh, night of many terrors! thou wert but the forerunner of miseries—of the manifold miseries which we were about to endure!

The island, for such we discovered the spot to be, on which either ignorance or treachery had landed us, was, as I have already said, so low, that in some places, beside which the sand had been washed up in ridges, we were forced to walk through pools of water. We had traversed it both in length and breadth, without having met with a pebble of the weight of an ounce; the whole was mud and sand. The ocean, which, elsewhere, deposits the sources of fecundity upon its shores, displays here the most tenacious avarice and terrific sterility. It seems to roll round these desolate coasts for no other purpose but to give birth to the monsters which inhabit them, which it receives and conceals in its bosom, while it participates in their ferocity.

It was out of our power to make any fire that evening: we climbed our trees, and each of us formed a couch amid the boughs as well as he was able. For my own part, I tied my left arm to one of the branches with the only handkerchief in my possession, in the apprehension that the least motion would make me lose my balance, during the sleep, which, through excessive fatigue, began to gain upon me, and to which I yielded. Notwithstanding the uneasiness of my position, I should have passed the night quietly enough, had it not been for the continued howlings and cries of a great number of alligators, which, at the commencement of the night, quitted the marshy pools, and stationed themselves about ten paces from us, on the banks of the sea, where we saw them go in and out, one after another, either to bathe or in search of their prey, which their dreadful concert must, undoubtedly, have driven to a distance.—This horrible harmony having lasted about two hours, the band dispersed, still keeping along the coast, although, at intervals, we heard the same cries, which we might have mistaken sometimes for the sudden barking of dogs, and at other times for the screams of children, had we not known from what sort of throats these noises proceeded. If to the terror which the presence of these animals gave us, be added the torture which the musquitos and other insects of every species, with which these marshy places abound; and, moreover, the deadly chill of an abundant dew, so very cold that it made us shiver through every member—an idea, yet still inadequate, may be obtained of the sufferings which we endured during the long twelve hours of a tropical night.

At length, about six o'clock in the morning, a faint twilight announced to us the approach of day. Alas! it came but to shew us more and more the whole extent of our misery. We had been fully sensible of the pain caused by the stings of sea flies, gnats, and musquitos, but we knew not the effect which

which they had produced upon our countenances. The moment in which we were first able to see one another, was indeed a moment of horror; we were so swelled as scarcely to be known, except by our clothes and the sound of our voices. Happily we had sea-water in plenty; and after having washed ourselves we found some relief. As to the alligators, they had returned to their pools by day-break; and since these animals never attack men unless they are disturbed by them, and seldom seek their prey except by night, we were tranquil upon that subject. While we prepared for our departure, La Prudence went in search of fresh water; he returned without having discovered any, which obliged us to have recourse to our flaggon of rum, which we emptied at once, being persuaded that a walk of two hours would be sufficient to bring us to the so much desired *corps de garde*. We set out, and pursued our journey along the strand; but the heat of the sun, which was almost immediately over our heads, was so intense, that we were obliged to stop frequently for a little repose. We then began to feel the approaches of hunger and thirst, particularly after having walked with so much eagerness. Hope, however, still supported us, and after having halted a third time, during which we sucked the juices of dog-grass, we continued our journey until four o'clock, or thereabouts, when excessive fatigue compelled us to rest, and continual disappointment made us abandon our minds to all the dreadful ideas of our situation. Captain Durand, the commander, Pierre, and La Prudence, were the only persons among us who preserved any strength, either bodily or mental. The Spanish merchant, his servant, and myself, were entirely exhausted: we threw ourselves at the root of a wild cashew-tree, which, having no fruit, could only afford us its hospitable shade.

Captain Durand and La Prudence went in search of water; it was at that moment the most pressing of our wants, for our breath was like a flame. In about half an hour, La Prudence returned with a smiling countenance, telling us that he had discovered water which was good to drink. Never, no, never have the most melodious sounds produced a sensation so delightful, as that excited by these words of honest La Prudence—"*Me has water, Captain dinkee it!*" At that moment fatigue and despondency were forgotten: water was to us every thing; and we conceived no happiness greater than the pleasure of drinking without restraint. The spot to which our guide conducted us was nothing more than a marshy pool, situated in a hollow, about a hundred paces from the sea-side, into which the sea being driven by those frequent southern hurricanes, which are the desolation and the terror of the West-India islands, had left there its stagnant waters. These waters having discharged a portion of their salts through the plants which they nourished, were, with the exception of a brackish taste, which they still retained, palatable enough, particularly to persons in our situation: I do not imagain that the dews, abundant as they are, nor even the rain, could of themselves have rendered this water even so fresh as it was; but to whatever cause its freshness is to be ascribed, the desire of cooling our stomachs overpowered the delicacy of taste, and rendered us inat-

inattentive to the colour of this beverage, which was a sort of yellow tinctured with mud: by the aid of our hats, which served us instead of glasses, we drank abundantly. But as it happens, in situations like ours, for want of the precautions which experience dictates, our draught had nearly been fatal to us. Instead of beginning by rincing our mouths, we swallowed this water, which was naturally noxious, with so much haste, and in so great a quantity, that our stomachs revolted against it, and rejected it in an instant, with violent and excruciating emotions. Nevertheless, though faint and exhausted, we felt relieved from thirst, and so great a desire of sleep seized us, that had we not had the dread of alligators upon us, we could have sunk in repose for the night upon the spot. We filled our flaggon with the water, that we might take some to the Spanish merchant, who had not been able to accompany us; and with difficulty we regained our sheltering cashew-tree, which we saw again with as much pleasure as a traveller after a long journey experiences, when he finds a house and a good bed in which he may recruit his exhausted strength.

(To be concluded in our next.)

LORD EARDLEY S DEJEUNE TO THE WHIP CLUB.

THIS entertainment, given at Belvidere, in Kent, to the Whip Club, is much spoken of.—It was conducted with great taste. Ten different sorts of wine were drank. In the course of the day, great science was displayed in the cutting of the most celebrated figures, *i. e.* the 8, 6, and 3; the latter being the most difficult, was attempted only by Mr. C. Buxton; he succeeded in it to the admiration of the company. Having achieved this feat, Mr. Buxton called upon Sir John Lade to take the reins. The Baronet begged leave to decline the neck-breaking experiment. Sir Charles Bamfylde next evinced singular adroitness in the figure of 8. Sir John Rogers, and Captain Agar, were not deficient in skill.

Thirty persons sat down at five o'clock; they composed all the leading whips in the kingdom, except Lord Hawke, the Hon. Martin Hawke, and one or two others. The first named was absent from indisposition; the second, from respect to his brother; but the others (to use a fashionable term, when any gentleman reduces his establishment of cattle) had got a *screw* loose. The party dined at an oval table. How they got back to London, at night, their grooms and coachmen can best tell; for Lord Eardley's hospitality was unbounded.

RURAL SPORTS AT PLAISTOW, ESSEX.

Report of the Proceedings in the case of the King, on the prosecution of Robert Humphrey Marten, James Adams, Stephen Smith Ward and others, against John Cochran, William Grewar the elder, William Grewar the younger, William Higginson, and others, for a conspiracy and riot. Tried at the Lent Assizes, 1810, for the county of Essex, at Chelmsford, before Mr. Justice Heath and a Special Jury.

AS this trial was never published, we conceive its appearance in our Magazine will afford some satisfaction to our readers, and as it is long, we shall divide it in portions

tions, and continue it monthly untill the whole is finished.

The King *v.* John Cochran and Others.

This was an indictment against the defendants, John Cochran and others, for a conspiracy and riot.

Mr. Garrow stated the case to the jury, and spoke to the following effect:

Gentlemen of the Jury, this is an indictment against the defendants, for a conspiracy and riot; the case I have to state to you is of very considerable importance to the public, and demands your best attention, and I have little doubt that after you have heard the whole of the evidence, you can feel no hesitation in pronouncing the whole, or the greater part of the defendants, guilty of the charge. Before I state the circumstances of this case, it will be necessary to explain the motives which have actuated my clients, in bringing forward this prosecution. I can assure you it is with the greatest reluctance they appear before you, to ask that verdict, to which I am of opinion, the merits of the case entitle them. They lament extremely that the defendants have not given them an opportunity of adjusting their disputes out of Court. I say it is a prosecution entered upon with the *greatest reluctance*, and one which they have been, at all times since its commencement down to the moment I am now addressing you, ready most cheerfully to forego, had the defendants given them an opportunity, consistently with the duty they owe to themselves and the public; but having no such opportunity of which they could avail themselves, they now come into court, regretting the obstinacy of the defendants. They have not, however, brought it forward with a view to punish, but in hopes, by the influence of example, to prevent a recurrence of similar abuses. They have set no array against their numbers, violence, calumny, and abuses; but they wish only to impress upon the defendants the assurance, that neither by numbers nor violence can they succeed in effecting their unlawful purposes. With these prefatory observations, I shall proceed to state the circumstances of the case.

Gentlemen, you know, perhaps, the Hamlet of Plaistow, a village within five or six miles of the metropolis, and doubtless you are acquainted that the accesses to that part of the country are more populous than almost any other district of his Majesty's dominions; I mean the vicinity of Wapping. For some few years past, the inhabitants of the parish of Plaistow have had annually some of those innocent country amusements, called Rural Sports, in their village. Now, gentlemen, no man can be more willing to give countenance to such amusements, provided they are kept within the bounds of good humour, morality, and quietness; on the other hand, I for one must declare myself an enemy to such sports, if they are carried to such extremes as may tend to violate public decency, morality, and peace. Of this description of men are the prosecutors in this case. I know it has been said, and will perhaps be said again, that my clients have brought forward this prosecution from religious motives; that they are men of such a miserable temper, of such inexorable severity of habits, and an order of men, who, having no disposition to laugh themselves, will not suffer any body else to indulge in the pleasures of

of mirth and good humour. Now, Gentlemen, I can assure you there is no sort of foundation for such an opinion. You will find amongst them none but those who are lovers of public order and peace. You will find some who go to the Quaker's Meeting, others who are guilty of the high offence of going to the Methodist's Meeting, and others who are of the Established Church of England.

Gentlemen, I say you will find these three orders amongst my clients; now it will be for you to determine, whether from the circumstances of worshipping their God in the way their forefathers have taught them, they shall be subject to violence and insult, and whether for the doing of this they are not only to have the windows of their meeting houses broken, but the sanctity of their private dwellings violated (for this is the question we have to try). There is a course which the prosecutors might have adopted, had they been vindictive enough.——Instead of simply bringing this indictment, they might have made the threatening letter they have received the subject of capital prosecution. In this they would have been supported by law, and supported by the necessity of their case. This, however, they have abstained from, from motives of forbearance, and a favourable consideration of the defendants.

Gentlemen, after the parish of Plaistow had looked on for a considerable time upon these sports, they found that, according to the increase of temptation the increasing fondness for fun ensued—that the taste of the place was not to be confined to those innocent amusements originally countenanced; that the visitors of the place were not to be the youth of the village, but that a vast concourse of people of the lowest description were to be assembled every Whit Monday, to commit the most offensive acts, and to claim an universal licence to play the fool, and to establish a fair at Plaistow.

Now, gentlemen, you know perfectly well that by the law of England it is not in the power of any of you, or of any set of men, however respectable, to establish a fair at any particular place, and you know full well to what penalties you would be liable, if you resorted to violent measures to gain your purpose; still less would any number of men be permitted by the law of the land to establish an institution calculated to violate the public peace, and render precarious the quietness of his Majesty's subjects. If, indeed, for the great amelioration of public morals, it be necessary to have jack-ass racing upon particular days, and as the hand-bill now before me indicates, to have the competitors for the prize upon the course at three o'clock; if, for the improvement of the morals of the female sex, it be necessary that a certain number of ladies should be invited to run in their chemises; if, for the purpose of improving the agility of the hardy race of Essex men, you should have them jump in sacks; if, in order to improve the elegant science of gesticulation, it be necessary to invite men to grin through horse collars; or if it be necessary to improve the power of digestion by giving a bounty to those who shall eat hasty pudding with the greatest voracity; if these things I say be necessary, in the name of God let us have them in every hamlet in the country:—But if we are to have them, let them be appointed

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at regular and proper places;—let us know that when the race is over, that when gentlemen have dismounted their donkies, and when the high-spirited and high-mettled animal has won the prize of his fleeting foot; when the lady shall have won the reward of her dexterity, and when the grimacers shall have distorted their flexible countenances, and when the other gentlemen have satiated their appetites with hasty pudding, let us, I say, have some chance of retiring to our beds in peace and quietness:—Don't let us be subject to the assemblage of 5 or 600 men in the dead of night, exhibiting to our families examples of the greatest debauchery, and rendering our servants unfit for the duties of their situation for the coming year. It is not quite necessary to suppose that a man is quite so desperate a Puritan, or so great an enemy to the *agremens* of life, because he does not perfectly relish some of these amusements. Every body knows too well, by woeful experience, how injurious such assemblies are, not only to the morals, but to the pockets of society. I will venture to say, that there is hardly one of you, gentlemen, that has not experienced at Peckham, at Camberwell, and other wakes and fairs, in the vicinity of London, the misfortune of having your pockets picked by a society of gentlemen, well known to congregate at such places of public resort; I need not therefore point out that this would be one of consequence likely to attend on the fair at Plaistow.

Gentlemen, I say, that some of the peaceable inhabitants of Plaistow having experienced the follies of former years, and seing advertisements published in their neighbourhood, announcing the repetition of similar practices, they thought proper to publish a counter hand-bill, notifying, that the meetings held before at Plaistow were illegal, and that in order to prevent their repetition, peace officers would attend for the purpose of preventing the recurrence of similar meetings; this hand-bill was accordingly posted up, in order to warn these persons that their conduct would be no longer tolerated. Scarcely, however, had these bills been published, before they were covered by others of larger dimensions, containing an invitation to those who were lovers of fun, to attend the annual Rural Sports, which would commence as usual on Whit Monday; the people were told that the sports would consist of donkey-racing, men running in sacks, women running for shifts, with a variety of other diversions, &c. &c. &c.

Certainly there is some merit due to Mr. Cochran, for the expressive addition of *&c. &c. &c.*

We may fairly understand, by a variety of other diversions, *&c. &c. &c.* that beside donkey-racing, and all the other catalogue of amusements, they were to have what is vulgarly called "a good row." The respectable inhabitants of Plaistow, finding that it was their determination to carry on this thing in the highest style, thought it necessary to have some peace-officers attending on the following Whit-Monday, to prevent the intended fun.

Now, gentlemen, there is a gentleman in Court whom I shall call as a witness to some of these facts. The gentleman to whom I allude is a man of the highest respectability: I know him myself, I have had the honour of his acquaintance

in

in some of the walks of private life, and I may venture to say that there will not be found a more respectable witness to stand before you than Mr. Martin. I speak of Mr. Martin as one of the prosecutors in this indictment; that gentleman was accosted by some of the individuals of that assemblage, and was solicited to contribute his half-crown towards these amusements. He very properly replied, that it was impossible to comply with their wishes, and begged permission to retire to his own house; upon which he was immediately mobbed by some of them, who harangued the crowd, and made use of this remarkable expression:—"Why there are enough of us "to eat the constables—we are "ready for a good row—now is "the time to go it—we will keep "it up in high style."

Gentlemen, you will find that another witness, who was coming from London in his chaise, was stopped by the defendants, abused, and threatened to be turned over in his carriage; they pursued him to his house, but he received no further molestation; at length the donkies were turned out, and an attempt was made to run them; they were, however, unsuccessful in their grand object, by the interference of the constables, and they were content to ride them up and down several times; soon after this, a disgraceful and abominable scene was exhibited.—Disgraceful and abominable, I say, because it even exceeded the degrading and disgusting scene of the West Indies—three miserable women, of the lowest order, lost to every sense of sex and decency, regardless of female propriety, and abandoned to the most loathsome degradation, exhibited themselves on the race course in the manner I have already described, followed by a fellow lashing them with a whip to urge them on. This is a practice, I am persuaded, my learned friend, the King's Serjeant, would neither sanction by his voice nor approve of by his example. I think my learned friend, who is himself at the head of an amiable family, would not be of opinion, that this was exactly the scene that he would wish even the meanest of his female domestics to witness. I rather think that a smock-race would be the last of amusements he would recommend to the females of his houshold, if he at all regarded their morals; because, in my opinion, and I am sure it is the opinion of every moral man, that nothing tends more to break down the moral tendency of the mind of that sex, than such disgraceful exhibitions. I know that, for one, if I had my choice, that would be the last example I should wish to hold out for the improvement of female delicacy, propriety, and decorum.—I think I have the sense of the thinking part of the public on my side, that nothing tends more to influence the manners and habits of the people, than examples so publicly exhibited. I may be told, that we are here on the question of conspiracy, and it may be said, upon this charge we shall fail for want of proof.—We may be asked, shew us some evidence of conspiracy? I shall shew to demonstration, that these defendants were not only guilty of conspiracy, but, in addition thereto, a violation of the public peace. In the one case, I shall shew that the defendants had leagued together, to force upon the inhabitants this illegal assemblage, and in the other, that they were guilty of acts

acts of riot, accompanied by declarations of hostility. I have already said, that this prosecution is most reluctantly instituted, that it is now unwillingly proceeded in, that the prosecutors would now be glad of an opportunity, consistently with their duty to themselves and the public, to forego their prosecution.

The defendants have it still in their power to place themselves in a situation of security against the judgment of the Court, if they will give security for the public peace. I shall now proceed to lay before you such facts as will, I think, sustain the whole of this charge. It will then be your duty to pronounce a verdict of Guilty against the defendants. I again repeat, we do not ask for judgment, but for peace and quietness.

(To be continued.)

THE POST-CHAISE DRIVERS AND THE ADMIRAL.

A Law Case tried in the Court of King's Bench, Saturday, July 14.

Rigby *against* Bowater, Esq.

THIS was an action to recover damages for false and malicious imprisonment.—Mr. Scarlet having opened the pleadings,

Mr. Garrow stated the case in a strain of humour which held the Court in unceasing risibility. Mr. Garrow said, that this was one of those cases which would display in its brightest lustre the peculiar excellence of the British laws, which extended their protection over every rank and station in society—for the humblest individual could with confidence appeal to a decision of that grand *palladium* of the British Constitution—a British Jury, against injustice or oppression, however high and elevated the rank or fortune of the individual by whom they might be exercised. The parties to this suit were of ranks so different, that they might be said to be almost at the extreme points of society, the plaintiff being in the humble situation of a *post-chaise driver*, while the defendant was no less than a *Rear-Admiral* of the Red—a rank which, in the service of the King of Great Britain, commanded respect throughout the world. Against a man of such high rank did this humble individual, the plaintiff, now appeal to a British Jury, and he was confident not in vain, for redress. Not having the honour of an acquaintance with the gallant defendant, he should refrain from all remarks upon his character, and state the facts of this case, and nothing more.—It happened one evening, in the month of August last, that an *itinerant drummer*—a *performer* on an instrument called a *bugle horn*—and two other persons, somewhat elevated by copious libations of *Whitbread's Entire*—or *Deady's Cordial Gin*, sallied out after an afternoon of jollification—into Hampton-Court Green, where the gallant Admiral resides—and not suspecting him to entertain that extreme aversion to *Music* which, to their great astonishment, he subsequently displayed, conceived they could not pass the house of a gallant *Veteran* in his Majesty's service without *saluting* him. They accordingly proceeded to perform before his house—not any of those *uproarious*, rebellious, or revolutionary tunes, which might naturally have excited the indignation of an officer, but pieces of a very opposite description; and little could it have been

expected

expected that "*God Save the King*," but above all "*Rule Britannia*," could have called forth the gallant Admiral at eleven at night—for it was no later—with direful imprecations and threats of vengeance against these unfortunate performers.—"Get off, you rascals, or I'll shoot you," was, however, the *counter-salute* from the gallant Admiral. Perplexed by this reception, and doubting whether their ears might not have deceived them, the musicians immediately struck up, "*Cease rude Boreas*"—but the effect of this admonition to the "*Blustering Railer*," so far from calming the tempestuous billows, served but to increase the hurricane; wide open flew the gates of the castle, and to the affrighted eyes of the musicians presented the tremendous figure of the gallant Admiral, cased—not from "*top to toe*," for his legs and feet were bare—nor "*in complete steel*,"—but in cap of wool, and flowing robe;—in other words, the gallant Admiral came down in his gown and night-cap, and sternly reprimanding, sent them away with "*a flea in their ear*;"—thus ended "the horrors," of that night, which had so disquieted the defendant in this action. That this "concord of sweet sounds" might agitate the nerves of a pregnant woman, he would not deny; but that the gallant Admiral was under the influence of any such feelings he could not suppose—he certainly could with confidence state, that there was nothing of the kind in his brief—nor did he think it would be attempted to be given in evidence. To be serious—although the concert might have been neither perfect in *harmony*, nor delightful in *melody*, he did not think that the *discord* was so horrible as to warrant that procedure of the gallant Admiral, which he was about to detail to the Jury. On the following morning the defendant appeared at the house of Mr. Ibbetson, the landlord of the King's Arms, at Hampton Court; and after vehemently asserting that he knew the plaintiff in this action, and another chaise-driver, of the name of Redford, the plaintiff in another action on the same case, to have been of the musical party—*electrified* Mr. Ibbetson, by demanding the instant dismissal of the entire *male* household. Mr. Ibbetson, with all due humility, represented to the indignant Admiral, the impossibility of compliance without ruin to his house. Egham Races were at hand, and to clear his house of servants was not the way to accommodate his customers. Entering further into the particulars, he proved, as he hoped satisfactorily, a complete *alibi* as to the plaintiff, who, by the testimony of the other servants in the house, appeared to have been actually in bed at the King's Arms during the performance of the *concert* before the house of the Admiral, and as to Redford, the plaintiff in the other action, he assured the Admiral he had quitted his service eighteen months before, and then lived, as he believed, at Hounslow. To these assurances the Admiral turned a deaf ear—accustomed to undisputed command, he expected unlimited obedience; and reiterating his order for a general dismissal of the male population of the King's Arms, departed with the denunciation of his high resentment in the event of Mr. Ibbetson's disobedience. Desirous of shewing every possible testimony of respect, Mr. Ibbetson, though, with painful reluctance,

reluctance, from his conviction of the plaintiff's innocence, immediately discharged him from his service. From the King's Arms, proceeding to the house of Mr. Serjeant Marshall, who acts as a Magistrate for the county of Middlesex, the defendant, on making oath of the facts, obtained a warrant against the plaintiff; Redford, the plaintiff in the other action; and two other persons named Rogers and Balchin. On this warrant the plaintiff was taken by Mr. Spencer, the headborough, before Mr. Serjeant Marshall, who was extremely indignant at the other parties not being also produced; but on the plaintiff asserting his innocence, he was liberated for that time, on condition of being with the other parties forthcoming on the following Saturday.—Accordingly, on Friday, the headborough took the four parties, named in the warrant, into custody, and locking them up in the cage, they there continued till next day; when, being taken before Mr. Serjeant Marshall, the plaintiff, and Redford, the plaintiff in the other action, proving their innocence, were discharged, as were also the other two, on making an apology to the Admiral.

To prove their case, the first witness called was Mr. Ibbetson, whose evidence substantiated the facts that came within his knowledge, as stated by Mr. Garrow. To prove the subsequent imprisonment, Mr. Spencer, the headborough, was called.—He stated, that he took the plaintiff into custody on the warrant: when he first went before Mr. Serjeant Marshall, he had reprimanded him for not bringing all the parties named in the warrant.—He told him he had made all due diligence, but had hitherto only been able to find the plaintiff.

The Serjeant told him, he might think himself well off he did not treat him with a lodging in Bridewell that night, for his negligence in not doing his duty.

Mr. Serjeant Marshall entered the Court during the examination by Mr. Garrow, who observing on this part of the evidence, said, "this may be Hampton Court law."

On the cross-examination by Mr. Parke, he was asked, whether the prisoners, after being locked up in the evening, were not afterwards privately let out, and indulged with beds at the house of the watchman, who smuggled them in again in the morning. The witness replied, that he saw them locked up—that he left them to the custody of the watchman—and that he found them in the watch-house in the morning. He was also asked, whether he did not treat the prisoners with a supper; to which he said he supped with the prisoners, who paid for what they had. The fact of the plaintiff, and Redford, the plaintiff in the other action, not having been present during the concert, as charged by the Admiral, was admitted by Mr. Parke, to save the time of the Court in examining the witnesses, who were ready to prove the fact.

Mr. Parke, in addressing the Jury on behalf of the defendant, admitted the facts, as proved by the plaintiff's witnesses; but contended, with great ingenuity, that no malice on the part of the defendant being proved, the plaintiff had not substantiated his case. It appeared, that the boys and idle persons in the town had frequently annoyed the defendant, by shouting out "*two pound ten*" before his house, and elsewhere, in his hearing—

[The plaintiff in the present action, in driving home the Admiral's carriage with a pair of Mr. Ibbetson's horses, some time before, in a very dark foggy night, had accidentally come into contact with another carriage, by which that of the Admiral sustained some damage, which he had compelled the driver, the plaintiff in the present action, to make good, to the amount of 2l. 10s.]

Lord Ellenborough was of opinion that malice had not been proved in this case. His Lordship observed, that if every man accused, against whom the facts charged could not be proved, was permitted to proceed in an action of damages against the prosecutor, the ends of justice would be greatly retarded, if not wholly defeated. If, however, the Jury should be of opinion that the plaintiff, under all the circumstances of the case, was entitled to a verdict, he should recommend them to give only nominal damages.

The Jury, after consulting a considerable time in the box, returned a verdict for the plaintiff—Damages, 5l.

Mr. Parke afterwards consented to a similar verdict being recorded for the plaintiff Redford, in the other action against the Admiral.

CADIZ RACES.

THE following account of Cadiz races is extracted from a paper published in that city in English and Spanish. Whatever may be the result of the siege of Cadiz, it is, we think, pretty evident, that hitherto no severity of distress can have been felt by the besieged.

ISLA DE LEON RACES.

STEWARDS.

Capt. the Hon. J. Walpole.
Lieutenant-Colonel Bushe.

To be run for over the course of Cerro de los Martires, on Thursday, the 24th May, 1810, the following sweepstakes and matches:—

A sweepstakes for 100 dollars each, one mile.

Lieut. Col. the Hon. G. Ponsonby's b. g. Chapman, 10 stone.
Lieut. Gen. Graham's black gelding Ballinasloe, } carrying a feather.
Major M. Murray's bay mare Miss Longlegs } carrying a feather.

No race.—Major M. Murray's bay mare Miss Longlegs walked over the course.

A match for 50 dollars, one mile.

Capt. Hare's bay horse St. Roque 1
Major M. Murray's b. h. Prince 2

A match for 20 dollars, half a mile, to be rode by the owners.

Lord William Russell's chesnut gelding Clive.
The Hon. Captain James Stanhope's bay gelding Major.

This match was withdrawn.

A match for 50 dollars, one mile, catch weights.

Lord Ipswich's b. m. Cambridge Lass.
Capt. Hare's b. m. Jeanette.

First starting Jeanette bolted, but started again, and won easy.

A sweepstakes of 10 dollars each, for *bona fide* Spanish-bred horses of all ages, one mile, catch wts.

SUBSCRIBERS.

His Excellency the Right Hon. Henry Wellesley.
His Excellency Governor Alvear.
Captain Hare.
Captain Hamilton.
Lord Wm. Russell.
Lieut.-Col. Ponsonby.
Major M. Murray.

Major

Major Duncan.
Captain Nicolas.
Lieut.-Col. Bushe.
Captain Cator.
Major Cathcart.
Sir James Fellowes
Brig.-General Dilkes.
Major-General Whittingham.
Captain Fortescue.
Viscount Ipswich.
Sir Archibald Murray.
Captain Walpole.
The Hon. Major-General William Stewart.
Lieut.-General Graham.
Captain Gabriel.
Brig.-General Sonteg.

A match for 50 dollars, one mile, catch weights.

Captain Stanhope's black horse Beelzebub 1
Mr. Clive's grey horse Emperor of Morocco 2

The horses for the first race will start at half past four p. m.

Judge, Capt. Hughes, R. A.

Horses for the sweepstakes must be entered on Tuesday, the 22d inst. before twelve o'clock, *a. m.* with the clerk of the course, Serjeant March, 1st Guards, at Lieut.-General Graham's quarters.

Three Spanish horses started, and afforded some entertainment, by their ignorance of sporting rules, not keeping the course.

The sport concluded by an excellent race, too late matched for insertion in the list, viz.

Lieut.-Colonel Campbell's 94th regiment, b. g. Prince.
Major Allan's g. g. Creeper.

Both went off nearly at the top of their speed, and it was impossible to determine which led. We never witnessed so fine a match and equal running; the horses were neck and neck the whole push, and the umpires could not say which horse was first; it was consequently given a dead heat. The course was well attended by rank and fashion of both nations. The last match was run in a much shorter time than any of the former; betting was equal at starting, and continued. The horses did not start again, being matched to run in fourteen days hence. The company departed highly gratified.

SIR WILLIAM SMITH AND SIR SAMUEL ROMILLY.

ON DUELLING.

ASSUMING the favourite head in our Magazine of DISPUTES AMONG GENTLEMEN ON POINTS OF HONOUR, &c. and this from a laudable motive of enforcing a true sense of propriety in the minds of those whose situation in life more immediately requires a strict observance of its rules, we at times embrace subjects that may forward this principle, and particularly in the minds of young men devoted to the honourable profession of arms. Under this impression, and for the amusement of our readers in general, we select the following copy of a letter written some time since, from the Hon. Judge Sir William Smith, to Sir Samuel Romilly. It met from this latter gentleman with that candid and liberal treatment and reception which might have been expected from his character; and in his "*Observations on the Criminal Laws of England*," the passage adverted to below has been omitted.

Dublin, Feb. 14, 1810.

Sir, I shall take the liberty of entering upon my subject, (which I trust will involve and plead my excuse for this intrusion) when I have premised my just respect for you;

you, and my cordial and habitual reverence for the privileges of Parliament, and consequently of that integral part of it, the House of Commons. Indeed it is, in no small degree, by these sentiments of due respect, and by these principles of constitutional veneration, that I am induced to give you the trouble of this address. In a daily paper of the 10th of the present month, which has just reached me, I find the following passage to occur, in what professes to be the report of an eloquent and humane speech of your's:—

"The Hon. and Learned Gentleman stated another case, of a duellist, who was acquitted in consequence of the direction of a Learned Judge; and also that of an officer, who, seeing the case reported in the Paper, and having had the misfortune to kill a brother officer in a duel, conceived that he might expect an acquittal. He went over to Ireland, surrendered himself for trial, was tried, found guilty of murder, and his Majesty's Ministers thought themselves justified in ordering him to be executed; and executed he was accordingly. He mentioned these cases, to shew the necessity of apportioning a definitive punishment for crimes, and not leaving it in the breast of any Judge to carry into effect, or remit, the punishment inflicted by law."

Sir, I beg to protest against being supposed to assert what I cannot know, viz. that the words given in the newspaper are truly ascribed to you.—Secondly, I cannot with certainty affirm that whoever uttered those expressions, wherever he may have used them, (if ever they were spoken), adverted to me, or to any trial had before me; and thirdly, and especially, even if I were to admit the supposition that they were spoken by you, Sir, I yet would not be understood to complain of them, or to risk violating, however indirectly, the respect due to the House of Commons, much less to hazard the infringing those valuable and inherent privileges, which form part of that constitution, on which my own best rights and liberties depend. In whatever I may write, then, I beg distinctly to be understood as treating, not of any thing that may be said in parliament, but merely of a paragraph which has appeared in the public prints. Again, I venture to surmise that the paragraph in question may have applied to me; because a person of the name of —— charged with murder, committed in a duel, was acquitted before me at ——, in the spring of the year ——; and a person who had killed a brother officer in a duel, afterwards "came over to Ireland; surrendered himself to justice; and being tried for the offence, was convicted and executed at ——." Assuming, therefore, that I am the judge, before whom that verdict or acquittal was had, which the newspaper represents to have been given under my direction, I proceed distinctly to state, for your information, that the editor of that paper has erroneously fallen into a strong misrepresentation of what occurred before me. When he stated that "a duellist was acquitted, in consequence of the direction of a learned judge," I cannot conceive him to have meant any thing but this:—either that the judge charged that the offence was not a murder; or else, that he told the jury that the witnesses were not to be believed.—If either was his meaning, he has, (unintentionally I am persuaded)

persuaded) misrepresented me; for my charge, on the contrary, asserted most distinctly, *first*, that the offence was murder; and *secondly*, that the evidence was to be believed. For the first of these assertions I need not, to any legal man, make an apology. To those who know and love the constitution, the second may seem to require some explanation. To these it may and must appear, that with the credit of the witnesses the judge has nothing to do; for that *ad questionem facti respondent juratores.* Accordingly, I will presume to doubt whether another judge is to be found, less disposed or apt than I am, to encroach, however slightly, on the province of a jury; and my justification (and it is a full one) for having observed upon the proofs in the case before us, is—that with regard to the facts, of 1st, a duel having taken place, and 2dly, a homicide having ensued upon this duel, there was no contrariety of evidence whatsoever. The prisoner's witnesses gave, in this respect, the same testimony with that which had already been adduced on the part of the prosecution. Thus, in a case in which the editor erroneously represents the culprit as having been acquitted by the direction of the judge; on the contrary, I, the judge, distinctly told the jury, that the homicide is clearly proved; and that, in point of law, such a homicide was murder. I discharged my duty to the best of my skill and judgment; and I am persuaded that the jury, which was a most respectable one, alike conscientiously, though very mercifully, performed what they considered their's.

In the conduct of the trial, some *special* circumstances had occurred. An attempt was made, on the part of the prosecution, to prove, that (in the idiom of duellists) this duel had not been a fair one; or, in the purer language of morality, that the deceased had died by assassination. I felt, *and most distinctly stated* to the jury, that in the *legal* criminality of the prisoner, this made no difference whatever. But as the prosecutors seemed to me to have failed utterly in their endeavour to establish this unfairness, I considered myself as bound, in recapitulating the evidence, to observe upon the failure; the more especially because, otherwise, a verdict of conviction *ostensibly* required *on one ground*, might, *in reality*, have been both sought and obtained *upon another*; and a finding which, in form, and as it were by accident, was agreeably to law, might have been, by a strange fatality, a verdict in some degree against evidence at the same time. —My observations on this failure, I however accompanied *(as I make it a rule to do)* with a notification to the jury, that I was here stating my impression as to matters of mere fact: and that, as to every thing of that description, though they were entitled to the aid of my remarks, yet they were not to treat these with the deference which they ought to pay to my directions in point of law; but were to give to them neither more nor less attention, than the observations might appear to their own understandings to deserve.—In intimating that they were bound to find the prisoner guilty, I also enumerated cases in which they would seem to be under a similar, an equal, and an irksome obligation. I, for example, told them—

"If a parent be insulted, or even struck, in the presence of his son, and

and this latter destroy the aggressor *in a duel*, fought between them by deliberate and regular appointment, the transaction will be murder.—If an officer, at the head of his regiment, be called a coward, and in consequence of this, deliberately challenge, and kill the offender, *in a duel*, he is a murderer by law.—If a husband find his wife in the embraces of another, and kill him—unarmed and unresisting—on the spot, this is manslaughter of the lowest and most venial kind: but if, giving the adulterer further time for preparation, a fairer chance for life, he puts arms in his hands, and meeting him by appointment, happens to kill him *in a duel*, the offence, altering its character, becomes deliberate, and is aggravated to a murder."

Whether the above observations were favourable to the prisoner, might be fairly made a question; for if each of the enumerated cases was a murder, it might be asked, was not the homicide committed by him, *a fortiori*, one? The object, however, of my enumeration, was equally warranted and obvious. It involved a caution to the jury, against referring to their own ideas of comparative *moral* guilt; or founding on any *special* criminality of the prisoner, a conviction which, on the contrary, if had at all, ought to be soundly bottomed in those strict principles of law, which would equally demand (and justify) a finding guilty, in the cases of the officer, the husband, and the child.—But suppose the above enumeration and remarks to have been eminently favourable to the case of the prisoner at the bar, will any lawyer *venture* to deny that *every position* in the above extract from my charge is undoubted law? Will any man (professional or not professional) alledge, that a crown judge, bound to remember mercy in administering justice, is to refrain from stating what is unquestionably law, because the statement may have a favourable operation on the prisoner's case? And was I not the more called on to seek out every legal observation, in aid of one whose crime it had been endeavoured, without success, to distinguish from the, alas! too ordinary case of homicide, in a duel, in order to enhance the turpitude of his offence, and induce the jury (confounding *moral* with *legal* culpability), to ground their verdict, not on the guilt which was ascertained, but on an alledged aggravation, which had not been proved? How jealously solicitous, even in civil cases, courts of justice are, that every verdict shall stand on a legitimate foundation, appears from the practice of granting a new trial, wherever inadmissible evidence has been received; even though, independently of such illegal proof, abundant matter to justify the verdict may be found. On what principle does this usage rest? On this; that though the verdict seems conformable to justice, *non constat* that it has not been by accident that it is so:—*non constat* that the jury did not build it on that part of the evidence, which ought not to have been received. But though, in the case of ———, no such special circumstance as I have mentioned had existed to justify the line of charge which I have described, still I hold, that so long as a judge repeats the evidence faithfully, and states the law correctly, if it be not his bounden duty, it is at least his undoubted right, to make in favour of the prisoner (especially *in favorem*

favorem vitæ) every lenient observation, which, compatibly with such true recapitulation and sound statement, he can recollect and urge as arising from or fairly bearing on the case.—But to recur to my original assertion; viz. that I informed the jury that the case proved in point of fact was in point of law, a murder: In every passage of this letter which I marked with inverted commas, I would be understood as giving, not merely the substance of what I said, but the expressions which I used.

"However fair the duel, the homicide ensuing on it is a murder." Again, "If homicide ensue on a deliberate duel, between parties meeting with deadly weapons, by appointment, such homicide will be murder, and expose the slayer to the heaviest penalties of the law." Again, "That the prisoner, ——, has been guilty of murder, appears, I am sorry to say, upon his own evidence; and no special circumstances can enhance or aggravate his crime to any thing more." Again, "An attempt has been made to distinguish the present from an ordinary duel case. But the prosecutors have more than failed to prove the prisoner an assassin." But again, "It might be doubted whether such proof would not have been superfluous, if made; for that the prisoner, ——, has been guilty of murder, appears, I am sorry to say, upon his own defence, &c. &c." (cited above).

In another place, still referring to the attempts made by the prosecutors, to shew that this was not what duellists term a fair duel, but a kind of assassination, I used the following words:

"Gentlemen—I cannot think this duel to have been unfair. It is with reluctance, and almost with shame, that I suffer such language to issue from the bench. The distinctions which I have been taking too much resemble an indirect sanction of proceedings, which, on the contrary, deserve and meet my total reprobation. The peculiar circumstances of the case, and connection which there is between the inquiries on which I have entered, and the characters and safety of the prisoners at the bar, must furnish my excuse; and this excuse, I trust, will fall but little short of a justification."

The above, Sir, formed cardinal passages in my charge; and to you I leave it to pronounce, how a verdict of acquittal, following a charge which contained passages of such import, can be considered as found under *the direction* of a judge; or the judge who gave this charge as assuming a power to "remit the punishment inflicted by law."—I have now done, Sir. The expressions appearing in the paper, I do not undertake to say were your's. Though they were, I should not presume to complain of your having used them, lest I might inadvertently infringe those privileges of parliament, which it is my duty to respect.—But, Sir, if you did use them, permit me respectfully to submit to you the above statement of what the tenor of my charge upon that trial really was. For the propriety, in all its parts, of this or any other charge of mine, I am far from being so presumptuous as to answer. This may perhaps include passages justly open to animadversion. In endeavouring to discharge my duty, as counsel for the prisoner, I hope I am not singular in preferring to risk over-shooting, rather than falling short of the mark. I only protest against being supposed to have charged

charged the jury to acquit.—Allow me to suggest, that possibly you might have used those expressions which I have noticed, under the influence of some perfectly blameless misapprehension, which in that case you will be glad to have an opportunity of correcting, or if the public prints have mis-stated you, of calling on them to correct.—In short, sir, on your candour I am content to throw myself*. You are a gentleman of high eminence in that profession, through which I made my progress to the bench. You will feel that a judge ought not to direct a jury, that homicide, committed in a duel, is not murder; and that a person filling a judicial situation must feel concerned to find a newspaper (seemingly) holding him up as having done that which he ought not to do; and as having been represented to one house of that parliament, by which, under certain circumstances, his conduct is in a degree cognizable; and of whose approbation and good opinion he must at all events be ambitious in the extreme.—Indeed, that those who are appointed to administer justice should be generally thought well of, confided in, and upheld, you will feel to be desirable, independently of all considerations which personally affect them, on principles of public policy and convenience.—If you shall do me the honour of answering this letter, you will have the goodness to direct according to the address which I give below.—I have the honour to be, sir, with many apologies and much respect, your most obedient, and very humble servant,

W. C. Smith.

[The two cases alluded to in the above letter, are obviously those of Major Campbell, who killed Captain Boyd in a duel in Ireland, and was afterwards executed; and Mr. Alcock, member for the county of Wexford, who killed Mr. Colclough in a duel which took place in consequence of an election dispute.]

HORSE CAUSES.

COURT OF KING'S BENCH, JULY 14.

Verney v. Grange.

THIS was an action to recover 22l. as the value of a horse or poney sold by the defendant to the plaintiff, he (the plaintiff) having no right to sell the poney, it being the property of another person, to whom the plaintiff, on evidence to that effect, had restored it. The price given by the plaintiff for the poney was 8l. and he now brought his action for 22l. being the increased value of the poney, in consequence of the plaintiff's having kept him at grass, by which he got into an improved condition. It appeared that the poney in question was the property of a person of the name of Chad, and having strayed upon the manor of Aldenham, in Hertfordshire, one Corley, steward or bailiff to Mr. Thellusson, the Lord of the Manor, thought fit to sell him to the present defendant, informing him, however, that he was astray, and stipulating that, in the event of his being claimed, the poney should be restored, and the price repaid. The defendant afterwards sold the

* This appeal to Sir Samuel Romilly's liberality was, as might have been foreseen, fully successful; and the passage in question does not appear in his Observations on the Criminal Law.

poney

poney to the plaintiff, as the evidence for the plaintiff went to shew, without disclosing the fact of his being astray, though this latter fact was contradicted by two witnesses for the defendant.

Lord Ellenborough reprobated in very strong terms the conduct of the bailiff. That of which he had been guilty was a very shameful practice, and a gross abuse of the law. Stray horses ought to be kept for a certain period of time, in an open place, for the purpose of being reclaimed, and not, as in the present instance, be almost immediately sold as lawful prize. Such practice was a prodigious encouragement to stealing of horses in the neighbourhood. His Lordship was of opinion, however, as some of the witnesses swore that the plaintiff, when he purchased the poney, was informed that he was astray, that he must be understood to have bought him with all the contingencies annexed to such a character; so that the plaintiff was entitled only to the price paid by him to the defendant.

Verdict for the plaintiff—Damages, 8l.

COURT OF COMMON PLEAS, WESTMINSTER, JULY 17.

Eaves *v.* Dixon.

This was an action brought on a warranty of a horse, to recover the purchase money, 36l. 19s. the horse having proved unsound.

Mr. Serjeant Best stated, that the plaintiff and defendant were both horse-dealers. On the 30th of January, the plaintiff purchased a horse from the defendant, at Botten fair, and received a warranty that he was perfectly sound. On the 3d of February, the horse was so ill that a farrier was obliged to be sent for, who declared him to be in the last stage of a dropsy. He died shortly after; and on being opened, several gallons of water were taken from his chest. He would prove these facts; and the only question for the consideration of the Jury was, whether the disease had taken place before the purchase or after?—He then proceeded to call his witnesses.

John Young, livery-stable keeper, Berry-street, Bloomsbury, deposed, that he knew the plaintiff; he also was a livery-stable-keeper in Carlisle-mews, and the defendant was a horse-dealer residing in Leicestershire. He was at Botten fair with the plaintiff; they tailed their horses together. On the day the plaintiff purchased the horse in question, he and the witness set off for London: they only went thirteen miles that day; they stabled the horses, but the one purchased from the defendant would not eat his oats: on the next day they went as far as Hatville Wood Side, seventeen miles: that night he also refused his food; on the following day they arrived in London about eleven o'clock. They walked the horses all the way. He had been offered to him for sale at the fair, but he would not purchase him, as he thought his eyes were hollow and dull.

On his cross-examination by Mr. Serjeant Vaughan, he said the horse was not very fat; he travelled very fairly: he did not know that the progeny of an old stallion always had small eyes.

William Baker, groom to the plaintiff, deposed, that he did not see the horse until the morning after he was brought to London; when he saw him, the food that had been given him the over night

lay untouched in the manger. He informed his mistress of it, and she sent him for Dr. Lane. The horse died on the Saturday se'nnight following; on his being opened, there were eight gallons of water taken from him.

Mr. Lane deposed, that he had been a farrier for fifty-two years. On the 3d, he saw the horse; he was labouring under a great lassitude, had a white mouth and a flaxen tongue; he was dropsical all over; his lungs had grown to his side; the water between the skin and flesh made his eyes appear depressed; he knew it was of no use to give him any thing, but gave him some trifling medicines to satisfy the plaintiff: on his being opened, he had watery tumours in his lungs, and eight gallons of water were taken out of him: he must have been a diseased horse by the law of nature on the 30th of January, and for months prior.

On his cross-examination, he said, that *extravasation* could not have taken place until inflammation, for the foundation of the disease must have first taken place. He had wrote against the Veterinary College—he had lashed them. Mr. Coleman, the professor of the College, was ignorant—he compiled all his works from obsolete books. It was a school of foolery.

Stephen Ledyard, horse-dealer, stated, that the horse was offered to him for sale at the fair, but he would not have any thing to do with him, as his eyes were hollow, sunk, and blue, which shewed that he was diseased.

On his cross-examination, he said the horse appeared lively, but he was *figged* with ginger.

Thomas Cross deposed, that when he opened the horse, his heart was much wasted, and the *cardinal* was half an inch thick. By the Levitical law, a beast with such a heart would not be eaten.

Samuel Anthony Bloxham, veterinary surgeon, stated, he was bred at the College. It appeared to him that the horse died of an inflammation of the lungs. He would suppose the disease had commenced about fourteen days before his death.

On his cross-examination, he said it might have commenced in six days. It was frequently brought on by removing a horse from a cold stable to a warm one.—This closed the plaintiff's case.

Mr. Serjeant Vaughan addressed the Jury on the part of the defendant; he stated, that he had a number of witnesses to prove that the horse had been in perfect health when delivered to the plaintiff, and that he had never been an hour sick before; he would also produce several of the most respectable veterinary surgeons, who would give it as their opinions, that the horse was sound at the time of the sale. This would be sufficient to entitle his client to their verdict; but he should conceive it would not be necessary to trouble them, as the plaintiff had not made out a case: he should therefore submit to his Lordship that the plaintiff ought to be non-suited.

Lord Chief Justice Mansfield.—"Certainly Bloxham's evidence contradicts that of Lane; but I would wish the case to be more fully gone into.

Mr. Serjeant Vaughan then proceeded to examine his witnesses.

William Miller, farmer, said he purchased the horse when it was rising two years old, from the defendant, for eighteen guineas; and last December he sold him again to the

the defendant for 35l.; he was then only rising four years, and was perfectly sound.

John Smith, servant to the defendant, deposed, he brought the horse one hundred miles to Redman Fair, he was well and lively: saw him afterwards at Botten Fair, he fed well; was in high spirits, and appeared perfectly sound when delivered to the plaintiff.

Chief Justice Mansfield—" Brother Vaughan, you need not have asked that question; for if he had any apparent disease, the defendant would not have shewn him, or the plaintiff would not have bought him.

Charles Grey, horse-dealer, Oxford-road, saw the horse at Botten Fair; he offered 35l. for him, and was sorry afterwards he did not give 38l. the price asked by the defendant. He was in very good condition, and the witness did not see that he had any defects.

John Clements corroborated the evidence of the last witness, and he also offered 35l. for him.

Mr. Coleman, professor of the Veterinary College; Richard Powis, William Sewell, and William Harrison, veterinary surgeon, were of opinion, from the evidence they had heard, that the horse was sound at the time of the sale, and that the disease came suddenly on.

Mr. Serjeant Best replied.

Lord Chief Justice Mansfield summed up the evidence with his usual perspicuity, and observed, that the Jury had only to decide, whether the horse was or was not sound on the day of sale.

The Jury gave a verdict for the defendant.

DEATH OF AN OLD SPORTSMAN.

ON Friday, the 22d ult. died, Mr. J. Hayter, cooper, of Shaftsbury, well known by the name of " the old 'Squire." Although often prosecuted and persecuted by gentlemen tenacious of their game, he kept a pack of harriers upwards of sixty years, and was earth-stopper to various gentlemen, who claimed the Duntley and Allin's fox-hunt for nearly the same period. When quite a boy, he kept a few beagles, and would often entice a neighbouring gentleman's hounds from their kennel to assist his little pack, for which he was as often chastised by his own father and Mr. Hardiman (the gentleman alluded to); but such was his propensity for the chase, that he would sit up whole winter nights to get his work forward, in order to hunt on foot the next morning. Latterly, he was obliged to part with his hounds; but even to the latter end of the last hunting season he would meet the fox-hounds on foot; and almost to the hour of his death was fond of rehearsing the sports of the field. In short, the anecdotes of this old man would fill a large volume; but amongst all his eccentric adventures and dealings with mankind, he never lost the grand pursuit of what Pope very justly styles " the noblest work of God," viz. " an honest man." He was well respected by his neighbours, and a large concourse of people attended his grave to pay the last obsequies to his memory.

THE UTILITY OF SPORTS, &c. IN THE EDUCATION OF YOUTH.

IN Mr. Edgeworth's " Essay on Professional Education," recently published, (page 150) he says: " A military school should have annual competitions and prizes for foot-races, leaping, wrest-

ling, fencing, and firing at a target; for trials of fortitude, as well as of skill and exertion, &c." (page 151.) "If exhibitions of these military games were made in great theatres, and if the prizes were conferred by a royal, or noble, or by some fair and fashionable hand, there can be little doubt but they would tend more than all the precepts of masters, to produce that ardour and ambition which constitute the true military character. All sports, without exception, that promote strength and agility of body should be encouraged in our military schools; for instance, archery, swimming, hunting, and shooting."

I presume Mr. Edgeworth to be a stranger to the Berkshire game of back-sword, or single-stick, as it is called in Hants, Wilts, and Somerset, or he certainly would have added it to the martial sports above enumerated; its practice generating, in a superior degree, mental and bodily fortitude, courage, and intrepidity. Those who have witnessed, in the west-country fairs, the severe contests and struggles at this game, for a prize, generally some paltry hat and ribbons, and have remarked the triumph of the victors, and the interest felt by the spectators, will bear me out in asserting this pastime to be the most lively picture of war extant.

It is much to be wished, that this game, the only relic (if we except wrestling) of the ancient tournament, were more generally encouraged amongst our peasantry, as it must tend to render our men of war, and cavalry, boarders, and skirmishers, more expert and confident in the use of their most effective weapon, the broad sword.

J. B.

SPORTING ASSAULT.

Court of Common Pleas, July 16.

Hewlings *v.* Giller.

THIS was an action to recover a compensation in damages for an assault and false imprisonment. The plaintiff is a straw-hat manufacturer, the defendant the master of the Bald-faced Stag public-house, on Finchley Common.

The case was stated by Mr. Serjeant Best, who, in his address to the jury, observed, that it was one of great oppression on the part of the defendant, and of considerable importance to the public; the decision, he hoped, would convince inn-keepers that they were bound to receive their guests and lodge them, if conducting themselves peaceably; so the law provided. The present defendant had committed a most grievous injury towards the plaintiff, by imprisoning him in consequence of a demand made by the latter of a supper and a bed. The Learned Serjeant then detailed the evidence, having made some pointed observations upon the case generally.

Mr. Ambrose Welchman stated, that he, in company with the plaintiff, who had dined with him at his house at Islington on Sunday the 21st January last, went to Finchley, having provided themselves with guns, for the purpose of shooting snipes and fieldfares.—About eight o'clock they reached the defendant's inn, with the intention of taking some supper and a bed. The defendant was then absent from home, and the servants told them they could have neither, for their master had left orders to be careful of whom they took into the house: they procured some brandy and water, however. About ten o'clock the defendant returned, the

the same request was repeated; they gave their names and descriptions, offered a 2l. note as security, but could not prevail on the defendant to allow them to remain, nor (as it was a late hour of the night) to sit up by the fire. They were desired to quit the house; refusing to go, the defendant sent for the patrole, who took them, accompanied by several persons and the defendant, to the prison at Finchley. When they arrived there the key could not be found, and they were marched back, a distance of two miles, in very cold frost and snowy night, to the watch-house at Highgate, where they were charged by the defendant as being riotous, searched, their guns taken from them, and they were locked up in the cage where felons are confined; there was no bed in the place, nor was there any fire; nothing but some straw on the floor. In this place they remained till ten o'clock on the following morning, when they were removed from thence by the patrole to the public-house, where they waited some time. The defendant at length came, and then they were taken before a magistrate and discharged.

In the course of the cross-examination of this witness he stated, that he had not quarrelled with a man named Jones (who was in the same room with him at the defendant's house) before the defendant came in—that Jones having observed they were ill-used previous to the defendant's return, and afterwards having said they had behaved ill, he then did call Jones "a double-faced rascal."—Jones then pulled off his coat to fight. He admitted that the patrole offered to procure them a bed, but they did not choose to accept his offer. The defendant said, if people wished accommodation at his house, they must send their servants before them.

The Rev. Dr. Bennett, the magistrate before whom the plaintiff and his friend were taken, stated, that when they were coming towards his house, he thought from the crowd accompanying them, they had apprehended a felon. The plaintiff and his friend seemed half dead with the cold of the night. The Rev. Magistrate particularly examined all the parties, and the result of his examination was the discharge of the accused, and a severe reprimand on the defendant for his conduct.

Mr. Serjeant Cockell addressed the jury for the defendant, and endeavoured to impress them with the idea, that the witness had not told a correct story;—that it was improbable a landlord should, from mere whim or caprice, turn customers from his house;—that they had done every thing they could, as he should prove by evidence, to irritate the defendant, and that all they wanted was to get an action for damages.

Jones, the person before alluded to, and Taylor, the patrole, were called to shew that the plaintiff had behaved riotously, but in this they failed.

Mr. Serjeant Best made a most animated reply. In the course of the reply he observed, that an inn-keeper was liable to an indictment, if he refused to accommodate guests in his house.

Chief Justice Mansfield expressed his surprise that the law should be so, and doubted the fact.

Mr. Serjeant Best informed the Learned Judge, that for so declaring he had the authority (which he cited) of Chief Baron Comyns, of

of my Lord Hale, and some other writers. The case on both sides being closed, Chief Justice Mansfield observed, that the defendant had not made out a justification for his conduct in point of law, and a verdict must therefore go for the plaintiff. The only question for their consideration was the amount of damages. "With respect to the law, (said the Learned Judge)' I rather think it is with the plaintiff. The plaintiff and his friend Welchman were guests; but what the law had in contemplation was these sort of guests, persons travelling a distance from home. Innkeepers were compellable to receive travellers and accommodate them, so that they may properly rest and refresh while travelling. These persons were not traveling, but going on a shooting party. If the plaintiff and his friend had gone away when the defendant required them, without obtaining what they demanded, they might have brought an action against him for not receiving them. The defendant in this instance seems to have erred from a mistaken notion of the law, when he thinks he was not bound to receive these persons."

The jury found a verdict for the plaintiff—Damages, 50l.

SPORTING GALLERY.

To the Editor of the Sporting Magazine.

SIR,

THROUGH the channel of your extended Magazine, I beg to call the attention of the sporting world, and the public in general, to an institution and exhibition now forming in Pall-Mall, the proposals of which appeared in your's of last month.

It must have struck the public, and those who are lovers of sports in particular, the very confined state in which artists, pursuing the study of animal painting, move. Some exhibitions they are entirely excluded from, and with others they serve only to stop a gap, to stop a room, or prevent the heels of some coxcomb, in gilt spurs, from injuring the *bare walls.* These observations I believe to be too general to need my pushing the matter with many arguments, to prove the injustice of the treatment. Surely a nobleman with his horse, or horses, and hounds, (with the profoundest respect to the sex be it spoken) are just as fit subjects for public inspection, as my lady, her favourite cur, and parrot: and few liberal-minded men but will agree, that upon the par of rank in society, portrait painters of any pursuit are upon a footing at least, as that branch of the art is managed in the present day, and rating each in classes according to their merit in their pursuit. I should conceive it must require as much study and assiduity, to be perfect in the drawing of an animal, to carry it to the extreme of excellence, as to be conversant with the features of a face, with *sometimes* a little more. To paint the nice distinction, nay, the very disposition, if I may use the term, of an animal, particularly the horse, and with all the chance as a good or bad *sitter,* certainly betrays no slight study and observation of nature; nor does it follow because one may choose to paint a horse, that he could not paint a man, did the bent of his mind lead him to it. Few real connoisseurs but will allow Teniers could paint history, when

when he pleased, with the same admirable talent he shewed in his common style. As well might the historical painters arrogate to themselves the whole of an exhibition, to the exclusion of portraits, did they possess the same narrow passion. It has of late years been a matter of regret with every one of taste, that our great exhibition should be thus clogged up with heads, and red coats, without reflecting on the nature of encouragement of the arts *in general*; and while the fashion of having portraits rages, the fashion of having them seen must last; and it would seem astonishing, that while this country may *boast* a list of two hundred or more *head* painters, it has not a dozen who can exist as animal painters: and this arises, most certainly, from the contracted and sad state in which that department is seen by the public. It is no uncommon thing to see even an historic picture, of great merit too, give way to a pale face, a red curtain, a Grecian couch, or some such fashionable *stuff*. Landscapes of infinite merit, when improperly arranged, have dwindled into lukewarm nothingness, or cold insipidity, and those gentlemen (portrait painters I mean) then pride themselves on the *force* and *brilliancy* of *their* great production, first using unlawful weapons, and then smiling at the feat. As for *force*, few landscape painters would pride themselves on the merit of getting white *forceable* when literally opposed to black, nor would they wish to see their setting sun as *bright* as a yellow silk curtain, now so much the fashion, because so admirably managed by one.

As for the study of animal painting having fallen since the time of Stubbs and Gilpin, it is not, I believe, the truth. There are now young men struggling to get forward, but without the means of being known to the world, as from observing pictures in their class, when *pretended* to be exhibited, they turn away dejected with the insignificance with which they are beheld. 'Tis singular, reflecting on our national character as lovers of animals and their sports, that those striving to embellish that propensity, should be trampled upon by those, who can possess no more taste than fashion will dictate.—But to return to the matter in point, from which my warmth has somewhat too long detained me, and let me congratulate the public, and those artists, who, like their subject, are nearly confined to the rack and manger, on the establishment forming by Mr. de Berenger, which, while it opens a field for the philanthropist, also offers a liberal plan to those not blessed with connection, to *push* them on; and it will present a competition of genius of a class never before seen together, or fairly, in this country. I understand, although so late in the season, the institution has met with particular attention; at the head of patronage stands a distinguished part of the Royal Family, as well as many high in the sporting world.

The pictures already got together, are of a description to mark the taste of the proprietor, and to prove his endeavours to render it worthy such patronage. Its situation is peculiarly well suited for the undertaking; and I hope and trust, that novelty and liberality will ensure its success.

Your's, &c. &c.

July 20, 1810. B. D.

PUGILISM.

A Spirited fistic combat betwixt Flowers, the provincial bruiser,

er, and a man of the name of Keate, took place at Tavistock, Wilts, on Saturday, the 7th inst. on the estate of Major Whebble, for a stake of 200 guineas, the former having been backed by the Major, and Keate, who is an ironfounder, by a purse from some amateurs in Cheshire, from whence he came to fight Flowers. It was agreed to be a stand-up battle, and the combatants appeared to meet eagerly. Keate had never exhibited from his own country, and the eyes of three thousand amateurs and upwards were fixed upon him. In the first round he gave more proof of bottom than skill, for he received a strait-forward blow, at length, upon the temple, and not going down, he bored in upon Flowers, who possesses some science, and returned the blow by one accidental, but more desperate, on the ribs, and both fell. This round lasted nearly two minutes, with several blows of less consequence.—Flowers had the best of the battle for half an hour, but not so much as to insure ultimate success, for although he was enabled to plant a good hit at meeting, yet the hardihood of Keate was comparatively equal to the metal he wrought at, and he would not be denied, so that he had the best of the latter part of the battle. Like a true glutton of the Crib school, Keate suffered his eyes to be lanced for a glimmer of light, and by real hard fighting, his weight, which was a stone more than Flowers, won him the battle, in one hour and ten minutes, at half minute time.—Flowers had beat several good provincial boxers. Keate will, it is understood, make his appearance in London in a short time, and enter the regular list of fighting men. He is a twelve-stone novice, and a match for such a man as Powers or Cropley, as near as might be inferred.

A young man, of the name of Dirgin, was killed in a pitched battle with a man of the name of Houghton, on Monday the 2d, at Hasmere, near Colnbrook. The combatants were young men very respectably circumstanced. Having quarrelled respecting the purchase of a horse, they staked ten guineas each to fight for the next morning. After a ruffianing contest of twenty-five minutes, the deceased was knocked down by a violent blow on the temple, and he never stirred afterwards.—He died in the course of the day. A coroner's inquest sat on the body, and returned a verdict of manslaughter.

GAME COCK.

An Engraving by Mr. Cook, of Upper Titchfield Street, from a Painting by Mr. Ward.

THIS Game Cock is the property of Thomas Crook, Esq. of Sytherton, near Chippenham, Wilts, and his portrait is given from the extraordinary circumstance of his changing colour alternately from a black-breasted red to white, and *vice versa*.

About the third or fourth year of his age, his feathers changed to white; the next year, to the astonishment of all who saw him, he became mottled; the year following, red; then mottled; and has continued changing every year since. Mr. Crook is certain of his having been three times white whilst in his possession; and is of opinion, that he is twelve or thirteen years old, and now is in very good health.

FEAST

J Ward pinx

H. R. Cook sculp.

Game Cock

Published Nov.r 30th 1809. by J. Wheble, Warwick Square, London.

FEAST OF WIT.

MR. Beresford, in his travels through Sicily, speaking of the excellent manner in which the Sicilians prepare their ices, relates the following anecdote in illustration of their skill in this respect—"The desert consisted of a great variety of fruits, and a still greater of ices: these were so disguised in the shapes of peaches, figs, oranges, nuts, &c. that a person unaccustomed to ices might very easily have been taken in, as an honest sea officer was lately, at the house of a certain minister of your acquaintance, not less distinguished for the elegance of his table, than the exact formality and subordination to be observed at it. After the second course was removed, and the ices, in the shapes of various fruits and sweet-meats, advanced by way of rear-guard, one of the servants carried the figure of a fine large peach to the captain, who, unacquainted with deceit of any kind, never doubted that it was a real one, and cutting it through the middle, in a moment had one large half of it in his mouth: at first he only looked grave, and blew up his cheeks to give it more room, but the violence of the cold soon getting the better of his patience, he began to tumble it about from side to side in his mouth, his eyes rushing out water, till at last, able to hold no longer, he spit it upon his plate, exclaiming with a horrible oath, 'A painted snowball, by G—d!' and wiping away his tears with his napkin, he turned in a rage to the Italian servant that helped him, with a 'D— your macaroni eyes, you son of a —, what did you mean by that?' The fellow, who did not understand a word of it, could not forbear smiling, which still convinced the captain the more that it was a trick; and he was just going to throw the rest of the *snowball* in his face, but was prevented by one of the company; when recovering from his passion, and thinking the object unworthy of it, he only added in a softer tone, 'Very well, neighbour, I only wish I had you on board ship for half an hour, you should have a dozen before you could say Jack Robinson, for all your painted cheeks.'

A WELCH tourist says, that he met with a *great plenty* of *scarce* manuscripts in North Wales!!

IT was observed by an Irish officer, a few days ago, while speaking of a certain regiment, that for three weeks he never saw any regiment *improve so little in his life*, for do you know, added he, *they grow worse and worse every day*.

A NEW married gentleman and lady, riding in a chaise, were unfortunately overturned. A person coming to their assistance observed, it was a very shocking sight:—"Very shocking indeed," replied the gentleman, "to see a new married co ple *fall out* so soon."

Examination in pure Irish.—The following curious examination of an Hibernian coal-heaver, charged with a trifling felony, took place before a worthy magistrate in the east, a short time ago:—

Mag. Well, fellow, what have you got to say in your defence?

Pris. Nothing at all, your Honour,—bar'n the Prosecutor hasn't tawl'd a word of truth!

Mag. How old are you.

Pris. Thirty and three last grass, plase your Honour!

Mag. What countryman are you?

Pris. Faith, I'd have been an Englishman, only I was born in Ireland!

Mag. Have you ever been to sea?

Pris. To see who, plase your Worship?

Mag. Have you ever been out at sea in a ship?

Pris. No, your Honour.

Mag. I thought you said you were an Irishman?

Pris. So I did, your Honour.

Mag. Well, and how could you come from Ireland, unless in a ship?

Pris. Och! by my sowl, I came over in a gun-boat!

Mag. Would you like to go to sea again?

Pris. No, your Honour; I was sick of it for the first time I was on it.

Mag. Are you a married man?

Pris. Yes, your Worship;—but my wife's dead!

Mag. Have you any children?

Pris. None that I have the trouble of fathering, your Honour!

Mag. Has not your master always been very kind and generous towards you?

Pris. Faith, its after he gave me nothing, plase your Worship?

Mag. You are a very ungrateful fellow.

Pris. Worse luck mine that I had nothing to be grateful for, your Honour.

Mag. Which would you rather go to prison, or on board the Tender?

Pris. 'Pon my sowl you've left me no choice,—for one is as bad as t'other.

Mag. One of the two alternatives you must choose.

Pris. I'll trouble your worship to choose for me,—for I'd never forgive myself if I choose either.

Mag. Take him to the Tender.

Pris. By the powers, its myself that hopes they'll be tenderer of me than your Worship.

At a pleasant party, a few evenings since, a lady started the question——"In what resembled the Tower of London to a Lady's mouth?"—No similarity could be discovered by any of the company, on which the lady herself gave the following solution; because—*It contained an* UNRULY MEMBER.

At a day-school, in the country, the following notice appears:—"Reading and working *teached* here at *fourpence* a week. *Young ladies* who learn *manners* must pay *twopence* more."

A WAG, on seeing two Westminster scholars fight between school hours, observed, "How easy it is to proceed from *Words* to *Blows*!"

THE late order of the Governor of Botany Bay, to restrict the *convicts* from acting as *counsellors*, was peculiarly hard; when it is considered that most of these *gentlemen* had been regularly called to the *bar*——at the Old Bailey!

AN Irish gentleman having a party to meet at a tavern, exclaimed, on arriving (finding the room empty), "So, I am first after all." The waiter informed him that he was mistaken, that his friends had been there, but were gone. "Very well,"

well," returned the Hibernian; "then I have made no mistake, for as they were all here before me, surely I was right in saying, "I am first *after all*."

A REVEREND divine being accused of negligence in his calling, and styled an *unfaithful shepherd*, from scarcely ever visiting his flock, defended himself by saying, "*He* was always with them at the *shearing time*."

A BUILDER, who has erected a few little buildings on the outskirts of the town, having an idea that the name should combine both town and country, has inscribed it *Russen Hurby Place* ! !

COMPLAISANCE is no longer confined to the polite circles.—A captain of a collier was lately called out of a *chop-house*, at Wapping, by a waterman, with the following address—"An't please your honour, the *tide* is *waiting* for you."

Talents.—A mason, at Brecon, a short time since, was ordered to erect a tomb-stone, on which he inscribed the age of the deceased as 89. His friends finding the real age to have been 90, insisted on his adding *another year*. This the *ingenious* Welshman accomplished, and the stone now actually bears, aged 891 ! a few years short of that veteran antedeluvian, Methusalem.

A PERSON advertising for a house, in one of the provincial papers, thus concludes—"If no *hounds* within ten miles, and if no *Attorney* within twenty, the more agreeable."

AN Irish soldier, lately arrived from Spain, being asked if he met with much *hospitality*, replied, "A great deal *too much*. I was in the *hospital* nearly all the time I was there."

WHEN Bonaparte and his new Empress were at Boulogne, after viewing the fortifications, and every thing interesting in the town, they went to the heights to take a peep at the sea. The Empress had a telescope in her hand, and observing a vessel cruising at some distance, she inquired what it was, and was informed that it was an English vessel. Perceiving five others in the harbour, she asked what they were, and was told that they belonged to the Emperor. She then asked why the five vessels did not go and take that belonging to the enemy. At this moment Bonaparte, who had shewn a restless impatience, could restrain his feelings no longer, but snatching the glass out of her hand, exclaimed, in the French language, with great impetuosity, "*because the wind is not fair!*"

A GENTLEMAN, who was extolling the *wit* of an absent friend, occasioned a lady to remark, that he *ought* to have a *vast deal*, for he never *wasted* any.

"No man," said a certain physician, "no man can complain of my having ever used him ill."—"True," said his friend, "because all you ever had under your hands *died*."

A Cheshire Finger-post.—This is the road to Tarwin—this is the road to Chester—this goes no where. N.B. If you can't read, *ax* at the Blacksmith's shop!

SPORTING INTELLIGENCE.

ON Whit-Monday last, the Annual Rural Sports were exhibited in high style at Plaistow, and the village was filled with a large assemblage of genteel company, who were delighted with the sports. The evening concluded with harmony, peace, and good order.—We notice the above occurrence, as having reference to a tedious, unpleasant litigation, which took place last year, the particulars and the result of which we propose to give in the present and future Magazines.

THE plates, matches, and sweepstakes, heretofore run near Bibury, it is strongly reported, are, for the future, to be removed to Lewes, and run for over the course in June. These races are generally rode by gentlemen, and the preference, we understand, has been given to that course, owing to the excellence of its turf, and its vicinity to Brighton.

THERE has been more money won and lost at the gaming houses last winter, than for several winters preceding.

DURING the races at Stamford, several accidents happened on the course, but they were happily unattended with serious consequences. No less than four single-horse chaises were overturned on the Thursday, and horsemen were thrown almost without number.

Betting for the St. Leger, at Newcastle, during the races.

2 to 1 against Sir W. Gerard's Oriana.
6 to 1 against Sir M. M. Sykes's Sir Marrinell.
8 to 1 against Mr. Garforth's Delpini colt.
100 to 6 against Mr. Baker's Recollection.
5 to 4 Sir Marrinell against Corduroy.

IN the Newmarket Meeting, Mr. Howorth purchased *Marmion* of Sir John Shelley, for 500gs.: he was got by Whiskey, out of Fathom's dam, by Diomed:—Mr. Howorth has also purchased *Invalid* of Lord Stawell's: he was got by Buzzard, out of Deceiver's dam, by Trentham.

MR. Keene, of Hammersmith, killed twenty pigeons, in twenty-one shots, on the 29th ult. from a trap, at the regular twenty-one yards distance. Such a specimen of good shooting has rarely been exhibited.

A PIGEON match took place on Finchley Common, on Saturday, the 7th instant, between three expert shots from Essex, and the like number from Bedfordshire, for 100 guineas, at seven birds each. Essex won the match, by killing seventeen birds against sixteen of Bedfordshire.

LORD Kingston has a considerable bet that he shoots, upon his Manor of Heydon, in Norfolk, forty brace of partridges, either on the 1st, 2d, or 3d day of the ensuing September.

THE late dry weather is reported to

to have been most uncommonly favourable to the brood of partridges and hares throughout the kingdom.

On Friday, the 8th last, at Howick annual races, in the afternoon, as usual, there was a poney race in the common haugh, when William Inglis, a lad, seventeen years of age, the rider of one of the poneys, was thrown off, by the animal taking fright at the improper interference of some person with the horse before him. The young man got up immediately, and declared that he was not hurt. Having imprudently taken a draught of cold water, he walked to a friend's house, about 200 yards distant, where he was suddenly taken ill, and died in about an hour after. A liberal contribution was made in favour of the young man's afflicted parents.

A few days ago, a hawk, of the large kind, near Buxton, very unceremoniously dropt from the regions of the sky, and popt upon a weazle, which he carried up. In about a minute the hawk came down faster than he rose; the weazle having fastened at his throat, killed him in a very short time.

Mr. Ogden, the man who best understood the fluctuating doctrines of the *turf*, and how to profit by them in its most prosperous times, died at his house, at Turnham-Green, on Monday, the 2d of July, worth at least 100,000l.

Early on Friday, the 12th inst. Colonel Thornton, well known in the sporting world, gave information, that Mr. Hubbard, the Attorney, of Southampton-buildings, and Mr. Wrathen, of Gray's-Inn-square, were going to fight a duel at Chalk Farm that morning.—Mr. Read, in consequence, issued his warrant against the parties, and Lavender was dispatched to execute it, accompanied by Colonel Thornton; they went first to Mr. Wrathen, at his chambers in Gray's Inn-square, and found him at breakfast: Mr. Wrathen appeared much astonished, especially in the Colonel's interfering in the manner he had done. The Colonel very coolly replied, it was impossible for him to permit him and Mr. Hubbard to fight a duel, when both of them had got so much business and papers of his in their hands. Lavender conveyed Mr. W. to the Office, when he gave bail, himself in 500l. and two sureties in 250l. each, to keep the peace. During this term, Mr. Hubbard heard that there was a warrant out against him; he in consequence attended at the Office, and entered into similar securities.—The dispute originated respecting some bets at Newmarket.

The following *jeu d'esprit* has since been published, which we insert, though not altogether corresponding with the facts, as stated above:—Colonel Thornton's going to Bow-street, and turning out a *pack* of police officers to run down a couple of *bag-fox lawyers*, who had his title-deeds in their hands, and had joined *deadly issue* to fight a duel, was managed in his usual *sportsman*-like style. Having got a good *drag* of *John Doe* and *Richard Roe*, at the grey of the morn, he run a *burst* without a check till he pressed close to their *brush* with a breast-high *scent* at the foot of Primrose-hill, where they skulked to *earth* in the garden of a little public-house, from whence they, however, were soon driven by the *terriers* of the Police, and carried to the Brown Bear, in Bow-

Bow-street, in the hope of their shewing a better day's *sport* hereafter!

As a man was crossing the course at Preston, previous to the horses starting, he was unfortunately rode over, and killed on the spot.—Verdict, *Accidental Death.*

Ipswich Meeting—(A more complete account of which will be given in our next month's Racing Calendar).—Tuesday, July 3.—His Majesty's Purse of 100gs. was won by Sir J. Shelley's Marmion, by Whiskey, beating Lord Suffield's bay colt, by Ambrosio, and two others.—On Wednesday, the Gentlemen's Purse of 50l. was won by Mr. Herbert's Patriot, by Whiskey, beating Mr. Payne's Merrymaid.—The Subscription Cup, value 25l. was won by Mr. Rose's ches. gelding, beating four others.——On Thursday, the Town Purse of 50l. was won by Mr. Herbert's Patriot, beating Lord Suffield's bay colt, by Ambrosio.—The Sweepstakes of 50gs. was won by Major Purcell's bay horse.—On the first day, Mr. Pierce's ch. f. Miss Whittington, in running for his Majesty's Purse, slipped up and broke her off hind leg; she was immediately killed, by order of the owner.—A favourite gelding, belonging to Captain Russell, of Colchester, whilst running for the Cup on Wednesday, suddenly dropped down and expired; and on Thursday, a chesnut riding mare, the property of C. Berners, Esq. of Woolverstone Park, died in a similar manner.——Another horse was killed by coming in contact with a chaise, the shaft of which entered his body.—The races were very thinly attended, on account of the unfavourable state of the weather, but the theatre was crowded every night during the week; and the assembly on Thursday evening displayed a numerous and fashionable company.—Capt. Studd, of Ipswich, and J. Merest, Esq. of Nacton, are chosen stewards for next year's races.

A GAME of cricket has been lately played by eleven gentlemen, of Chichester, against twenty-two of Bosham, and won by the former; and a challenge has since been publicly given, to play eleven from Chichester against *thirty-three* from Bosham, for two guineas, home and home. The cricketers of Chichester must surely be exceedingly good, or the Boshamers very indifferent hands, at this athletic amusement!

THE match of cricket, played on Monday, the 16th inst. on Dean Race Plain, between eleven gentlemen of Dean, Sherfield, Mottisfont, Whiteparish, &c. and eleven gentlemen of Salisbury, Collingbourn, Laverstock, Clarendon, &c. was won by the former by sixty-two runs at one innings.

MORE BOXING—(*see page* 188).—A sharp battle was fought on the 12th inst. at Finchley Common, between Dawson, a drover, and Kite, a second-rate fighting-man, for 5l. It originated in consequence of Kite having taken the liberty of drinking the other's beer, at a public-house at Camden Town, and afterwards kicking him for grumbling. The battle lasted half an hour, and the drover had the worst of it the first half dozen rounds, but he was too good to be denied, and by going in and hitting, his strength and game baffled science, and he paid his adversary

in

in his own coin, to the satisfaction of a numerous ring.

A SHOCKING occurrence happened at St. Neots, a short time since. Some difference having arisen between John Barringer, a youth of nineteen, and —— Medlock, another lad, about the same age, it was settled that they should decide the question by fighting; and accordingly a battle ensued, in which, after a few blows had been exchanged, Barringer's adversary struck him so violent a blow as to cause his immediate death.

ON Wednesday, the 11th inst. a desperate battle was fought in a field near Walworth, between a gentleman's groom in that neighbourhood, and a journeyman shoemaker, in the Borough, for twenty guineas aside. The former was backed and seconded by his young master, and his antagonist by his employer. A ring having been formed in the presence of a large concourse of spectators, who were assembled on the occasion, the two combatants set to, and the conflict continued for nearly fifty minutes. The groom was at length victorious.

A CONSIDERABLE field of amateurs met on Tuesday, July the 24th, in Tothill-fields, to witness, as it was given out, a bull-bait, but the greater attraction was that which was fixed to precede it, a battle betwixt a navigator, above six feet in height, from Bristol, the great nursery for boxers, and a stout athletic black man. The candidates for fame were considered promising to hereafter contend with a Crib, or some other first-rate man of the day; but in this respect the amateurs were disappointed. Crib seconded his countryman, the navigator, and Richman seconded his brother black.—It was seen in the first and second rounds that the Bristol man was not a *specimen* of his west-country brethren, as he is a slow round hitter, and displayed only one requisite, *gameness*. The black, on the contrary, kept himself close, but he could only hit at half arm, or what is technically termed *flipping*, as when he hit he kept the first joint of the arm close to the body.—The battle lasted nearly an hour, and it was contested with much obstinacy, but the navigator could plant but few hits, whilst he received the repeated *flipping* of his adversary, until his head was so much disfigured, that his features were buried, and he was ultimately beat. The next amusement was a *turn-up* betwixt Crib and Richman, on some dispute relative to the men who fought last, but Richman fought only one round. The day was *genteelly* closed by bull-baiting.

A BOXING match took place on Monday, July the 9th, in a field at Longford, near Coventry, between John Cart, (younger brother to Cart, who fought the Game Chicken) and Slack Ross, both colliers, for 50l. On stripping, Ross was the most muscular, and appeared to be about forty years of age; his antagonist twenty-eight. —They set to with great resolution, and for the first seven rounds little difference was discovered;—8th, much sparring, Ross struck four blows to Cart's one, and fell;—9th, in favour of Cart, and Ross received a severe blow on the head;—10th, Ross knocked down by a severe blow on the jaw;—11th, Ross down;—12th and 13th, exchanged several blows, nearly equal, but finally, Ross down;—14th, equal fighting

fighting, Ross slipped on his left knee;—15th, Ross knocked down by a blow on the eye;—16th, exchanged several blows, and Ross down;—17th, Ross again knocked down by a severe blow on the ribs, when he claimed half a minute, over time, by agreement.—From the 17th to the 23d, Ross appeared very shy, and fell repeatedly, with an evident intention of recovering his wind and strength; 23d, a very severe round; Ross rallied his antagonist with great spirit, and having got his head under his arm, fibbed him dreadfully; Cart down, Ross the favourite;—24th, Cart received a severe knock-down blow in the eye;—from the 24th to the 28th, Ross had the best of the battle;—29th, Ross set to with great spirit, and gave his adversary three dreadful right-hand facers, which knocked him down; the blood gushed in torrents from every part of his face, in a most dreadful manner;—30th, Cart received a severe blow on the ribs, and a right-hand facer, which decided the battle.—Time, forty-seven minutes.

On Monday, June 18, a match for fifty pounds a side was run for over Penrith race-ground, betwixt Mr. William Pearson's bay mare, of Wigganby, in Cumberland, and Mr. Lamb's bay mare, of Kirkby Stephen, in the county of Westmorland, (heats, four miles each), which was won by the latter gentleman at two heats.—After the match was run, there was good racing for saddles, bridles, &c.

On Wednesday, the 20th of June, a match was decided on Haverfordwest Course, between two ponies belonging to Major Stokes and Lieutenant Francis, of the Northern Pembrokeshire local militia. The ground was crowded at an early hour by a numerous assemblage of fashionables to witness the race, which afforded capital sport, and was won, after two remarkably well-contested heats, by Lieut. Francis, to the great disappointment of "the knowing ones," who were completely taken in on the occasion.

A galloway, under fourteen hands, the property of Mr. Club, at Clapton, was matched on Tuesday, the 11th inst. to gallop twenty miles in one hour, on a piece of chosen ground, a few miles from Huntingdon, and the performance, which was for two hundred guineas, took place on the Saturday following. The animal did ten miles in twenty-nine minutes, and performed the whole distance in one minute less than the given time. The owner refused one hundred and fifty guineas for the animal when on the ground.

TO CORRESPONDENTS AND READERS.

IN descriptions necessary to accompany Engravings, we are in arrear: no account of the Wellesley Arabian, nor of the brood mare Primrose, has yet appeared.—Before next month, we hope to receive some particulars of the Arabian; but not so of Primrose, until we can acquire a knowledge of the Primrose meant to be represented in the Picture, as the Correspondent who favours us with articles in this way writes thus:—"I cannot make out any certain account of Primrose, given in your last, there is such a number of that name.—If you can learn of the person from whom you had her Portrait, whose property she was at any time, I flatter myself I shall be enabled to make something out."

A Correspondent at Windsor made a proposition to us some time ago, but the Letter has been mislaid; we therefore beg a fresh address, and which shall, when received, meet a speedy answer.

POETRY.

POETRY.

THE HIGH COURT OF DIANA.

THE STATUE OF THE DYING GLADIATOR.

The excellent English Prize Poem, written and spoken by Mr. Chinnery (son of Mr. Chinnery, of the Treasury).

WILL, then, no pitying sword its succour lend
The Gladiator's mortal throes to end,
To free th' unconquer'd mind, whose generous pow'r
Triumphs o'er nature in her saddest hour?

Bow'd low, and full of death, his head declines,
Yet o'er his brow indignant valour shines,
Still glares his closing eye with angry light,
Now glares, now darkens with approaching night.

Think not with terror heaves that sinewy breast,—
'Tis vengeance visible, and pain suppress:
Calm in despair, in agony sedate,
His proud soul wrestles with o'ermastering fate;
That pang the conflict ends—he falls not yet,
Seems every nerve for one last effort set,
At once, by death, death's lingering power to brave—
He will not sink, but plunge into the grave,
Exhaust his mighty heart in one last sigh,
And rally life's whole energy—to die!

Unfear'd is now that cord, which oft ensnar'd
The baffled rival whom his falchion spar'd;
Those clarions mute, which, on the murd'rous stage,
Rous'd him to deeds of more than martial rage;
Once poised by peerless might, once dear to fame,
The shield which could not guard, supports his frame:
His fix'd eye dwells upon the faithless blade,
As if in silent agony he pray'd,
" Oh might I yet, by one avenging blow,
" Not shun my fate, but share it with my foe!"
Vain hope!—the streams of life-blood fast descend;
That giant-arm's upbearing strength must bend;
Yet shall he scorn, procumbent, to betray
One dastard sign of anguish or dismay,
With one weak plaint to shame his parting breath,
In pangs sublime, magnificent in death!

But *his* were deeds unchronicled; *his* tomb
No patriot wreaths adorn; to cheer his doom,
No soothing thoughts arise of duties done,
Of trophied conquest for his country won;
And he, whose sculptur'd form gave deathless fame
To Ctesilas—he dies without a name!

Haply to grace some Cæsar's pageant pride
The hero-slave or hireling-champion died,
When Rome, degenerate Rome, for barbarous shows,
Barter'd her virtue, glory, and repose,
Sold all that Freemen prize as great and good,
For pomps of death and theatres of blood!

G. R. CHINNERY,
Christ Church.

THE

THE ANALOGY

Between Legislation and Horse-racing.

THE swift pac'd hours convoke again
Our senate on Newmarket's plain;
They mind not here who's out, who's in;
Their contest is, who most shall win;
Here too they drop all party rage—
Far diff'rent heats their thoughts engage.

Once on the turf I'll boldly venture,
My Pegasus the lists shall enter;
Jockies, his wings ye need not dread—
They're weighted by his rider's lead.

I've heard there is a near alliance
'Twixt ev'ry liberal art and science!
So the same features we may trace in
Both Legislation and Horse-racing.

Good laws require good heads to make 'em;
And so do bets, to lay, or take 'em.

Laws are design'd to keep rogues under;
To save your house and purse from plunder.

And he whose noble genius aims
To shine at these Olympic games,
And cannot, with superior sleight,
Out-wit the knave, the biter bite,
Must leave the turf, or ever curse
The mis'ries of an empty purse.

I've heard it thought, our Senate should
Enact their laws for general good!
And therefore should have hearts that feel
Most warmly for the common-weal.
And who can doubt but they inherit
This noble and exalted spirit,
That can consign their thousands o'er
To wretches they ne'er saw before;
When, too, (to heighten their deserving)
Their wives and families are starving!

Does not the saddle represent
Taxes clapt on by Parliament?
Nor has the nation shewn bad sport;
We humbly thank their honours for't;
Though some have made complaint of late,
Their backs were gall'd with over-weight;
And that their sides had sorely felt
The whip and spur full freely dealt;
Yet hope these patriot jockies will
At length, to shew true sportsmen's skill,
Pull in their steeds, quite out of breath,
Nor push the willing tits to death.
Proceed, ye two-fold legislators
Of horses and your fellow-creatures;
Keep well your seats, nor vote nor ride,
On post's or ministry's wrong side,
So shall the purse your pockets fill,
And grooms and statesmen praise your skill.

LINES,

Written by the MARGRAVINE OF ANSPACH, *while at the Hunting Seat of the Earl of Fife.*

OFT, at my merry stars command,
I've travell'd over sea and land,
But have not seen, or near or far,
Ought like the beauteous Lodge of Mar.

I've view'd the fam'd Arcadian plains,
Which haunt the love-sick poet's brains;
But they must not be placed on par
With those around the Lodge of Mar.

I've seen the fam'd Olympus top
Where poets gather rhyming crop;
But that's a smaller mount by far,
Than that which crowns the Lodge of Mar.

I've seen the Tyrolean height
To wand'ring peers, most beauteous sight;
But it would all their gazing bar
To see the hills o'er Lodge of Mar.

The murm'ring rill, the clearest stream,
That haunt a love-sick maiden's dream,
Such streams (best joy of love or war)
Are found alone near Lodge of Mar.

Would you the noblest chase pursue,
Hundreds of stags are soon in view;
But those may lead you much too far,
So fleet are stags at Lodge of Mar.

Angling perchance is your delight,
Millions of trout are within sight;
But soft, a pondrous rock may bar
Your angling at the Lodge of Mar.

Schauffhausen's fall, or Vaucluse fam'd,
Are neither of them to be nam'd
With those cascades that strike the ear,
And thunder round the Lodge of Mar.

Would you delicious growse enjoy,
With gun and pointer growse destroy;
There's nothing ever can debar
Your finding them at Lodge of Mar.

The ptarmigan, the bounding roe,
The black game all are doom'd to woe;
When statesman, peer, or prince, or tar,
Goes out to shoot at Lodge of Mar.

Nay, British Ladies, neat and slim,
With hands so white, and legs so trim,
Despise the bite, the scratch, or scar,
When perch'd on rocks near Lodge of Mar.

For there such game to see would vex,
Make Venus e'en forget her sex—
Forget Love's arts for those of War,
Could Venus see the Lodge of Mar.

Rocks of tremendous height and size,
Hang pendant o'er the astonish'd eyes;
Though

Though distant wide, we think too near,
The pondrous roof near Lodge of Mar.

It might, indeed, for aught we know,
Crush th' admiring group below;
But guardian angels still, with care,
Protect the guests at Lodge of Mar.

Success attend the noble Thane
Who can that lovely spot maintain:
His be the best and brightest star,
That owns the beauteous Lodge of Mar.

THE GAMEKEEPER'S RETURN AT NIGHT.

THRO' the long morning have I toil'd
O'er heath and lonely wood,
And 'cross the dark untrodden glen
The fearful game pursu'd:
But deeper now the gathering clouds
Collect along the sky,
And, faint and weary, warn my steps
Their homeward course to hie.

And now the driving mist withdraws
Her grey and vapoury veil;
I mark again the sacred tower
I passed in yonder dale:
A little while, and I shall gain
Yon hill's laborious height;
And then, perhaps, my humble cot
Will chear my grateful sight.

Ah! now I see the smoke ascend
From forth the glimmering thatch;
Now my heart beats at every step;
And now I lift the latch;
Now starting from my blazing hearth
My little children bound,
And loud, with shrill and clamorous joy,
Their happy sire surround.

How sweet, when night first wraps the world
Beneath her sable vest,
To sit beside the crackling fire,
With weary limbs at rest:
And think on all the labour past,
That morn's bright hours employ'd;
While all, that toil and danger seem'd,
Is now at home enjoy'd.

The wild and fearful distant scene,
Lone covert, whistling storm,
Seem now in mem'ry's mellowing eye
To wear a softer form;
And while my wand'rings I describe,
As froths the nut-brown ale,
My dame and little list'ning tribe
With wonder hear the tale!

Then soft enchanting slumbers calm
My heavy eye-lids close,
And on my humble bed I sink
To most profound repose;
Save that by fits the scenes of day
Come glancing on my sight,
And, touch'd by fancy's magic wand,
Seem visions of delight!

G. T.

THE BAD DINNER.

THO' thy dinner, dear Sir, was homely enough;
Part ragged, part raw, part rotten, part tough;
Tho' thy small single fish, well accustom'd to shore,
Had been out of water a fortnight or more;
Tho' thy lamb look'd as green as the grass it had fed on,
And thy beef had the *haut gout* of a thing that is far gone;
Tho' thy patties occasion'd the nauseous suggestion
Of meat that had pass'd its first stage of digestion;
Tho' thy steaks had been cut from some canker-kill'd cow,
And the cook had scarce warmed the old lady through;
Tho' thy tarts had afforded a dainty repast,
To the syrup-cloy'd blow-flies of the summer that's past;
Tho' thy windfalls, called berries, the hogs would have slighted;
Tho' thy pickles were sweet, and thy cheese it was mited;
Yet I never enjoy'd a more exquisite treat,
Thy wit made such ample amends for thy meat.

SONG,

Sung by MR. DOWTON, *at the Lyceum Theatre, in the new Piece of "Thirty Years Ago."*

MR. Bourne and his wife
Had at breakfast a strife,
He wanted bread and butter with his tea.
Quoth she, "I rule the toast,
I will have a plate of toast!"
So to loggerheads with him went she.

There was one Mr. More
Lodg'd in the first floor,

A man

A man very strong in the wrist—
He overheard the clutter
About toast, and bread and butter,
So he knock'd down Mr. Bourne with his fist.

Says More, "Ods my life,
You shall not beat your wife;
It is both a sin and disgrace."
"You fool," says Mrs. Bourne,
"'Tis no business of your'n,"
And smack'd a cup of tea in his face.

Cried poor Mr. More,
As he sneak'd to the door,
"I'm surely a man without brains,
When two married folks are flouting,
If a stranger pokes his snout in,
He's sure to get it tweak'd for his pains."

ON HUNTING.

OCTOBER, hail to thy melodious morn!
Thy gale bears music on its fragrant wings:
Hark! to the wind the hound his rapture flings,
And the glad huntsman sounds his cheerful horn:
The poor hare rues the day that she was born;
Tidings of death to her the chorus brings,
For the vale echoes, and the forest rings,
And fast behind the hunter-band are borne.
Onward they come; o'er every barrier fly;
Pour down the hill, and skim along the plain;
Then up the steep again are tost on high;
Nor fear can stop, nor precipice restrain:
For courage, vigorous health, and jollity,
And manly strength, by exercise they gain.

G. T.

PARODY

On ROMEO's *Description of an Apothecary.*

I DO remember a precise old maid,
And hereabout she dwells—whom late I noted
In rustling gown, with wan and wither'd lips,
Demure and formal, dusting cloth in hand,
Rubbing her chairs, and meagre were her looks.
Envy had worn her to the very bones;
And in her shining parlour flow'r-pots stood,
Deck'd with geranium and jessamine,
And orange trees, and roses, pinks, and lillies,
'*Bachelor's Buttons*,' crisp as she herself,
And lowly passion flow'r, the type of love.
Six chairs, two tables, and a looking glass,
Were burnish'd bright and oft; and round the room,
On wall, in closet, or on mantle-piece,
An old work-basket, sal volatile,
Portraits of maiden aunts, in ball-room suit,
With lamb or lap-dog hanging on her arms,
Novels from Circulating Library,
'Law's serious call to unconverted folks,'
Love elegies, a bible and a cat,
Were duly set for ornament or use,
As spleen prevail'd, or visitors came in.
List'ning, as thro' the house her shrill voice scream'd,
Scolding her servants, to myself I said,
And if a man did wish to gain a wife,
With *show* of courtship, here's an ancient maid,
Whose lips have practis'd long before the glass,
The feint refusal, and the eager *yes*,
Following as quick as echo to the sound.
And this same thought does but forerun my need;
I'll instant seek—some *younger* maid to wed!
As I remember this should be the house;
Being twilight hour, she's out upon the trot,
To barter scandal for a dish of tea.

AN EPIGRAM,

On seeing the Right Hon. R. B. Sheridan ranged with the Doctors, without a Degree, at the late Installation.

AMIDST the *Doctors*, SHERRY sits
(Self-dubb'd by talents) at his ease,
Whose rapid genius ne'er submits
To gather fame by dull *Degrees*.

EPITAPH

IN HENDON CHURCH YARD.

BENEATH this stone TOM CROSFIELD lies,
Who cares not now who *laughs or cries*;
He *laugh'd* when sober, and when mellow;
And was a *harum scarum* fellow.
He gave to none design'd offence,
So "*Honi soit qui mal y pense.*"